

112

A HAND BOOK ON **PRIMARY EDUCATION**

(Relevant Act, Rules, Important Orders & Notifications)

For Dec
SECRETARY
WB

WEST BENGAL BOARD OF PRIMARY EDUCATION

84, SARAT BOSE ROAD

CALCUTTA-700 026

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Published by :

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84, Sarat Bose Road,
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P R E F A C E

The West Bengal Primary Education Act, 1973 (West Bengal Act XLIII of 1973) duly assented to by the President of India was published in the Calcutta Gazette, Extraordinary of the 20th September, 1974. The Act was thereafter, amended several times. The latest amendments were made in the West Bengal Primary Education (Amendment) Act, 1997 (West Bengal Act XIII of 1997).

The provisions of all sections of the Act, excepting sections 77, 78, 89 and 105 came into force in the whole of West Bengal on the 1st day of January, 1975. The provisions of section 78 of the said Act came into force in the whole of West Bengal on 1.4.1981. The provisions of section 105 of the said Act came into force on the 2nd July, 1990 in the whole of West Bengal excepting areas comprising the districts of North 24-Parganas and South 24-Parganas and the hill areas of Darjeeling district as defined in Darjeeling Gorkha Hill Council Act, 1988. The provisions of section 105 of the said Act also came into force on the 11th March, 1994 in the districts of North 24-Parganas and South 24-Parganas.

This publication has been brought out by the West Bengal Board of Primary Education to update the Act with all amendments made upto July, 1997. A reference of the relevant Acts amending the principal Act has been made in the Appendix.

Apart from updating the Act, some important notifications/orders relating to recruitment rules for appointment and leave of primary teachers in recognised and aided primary schools in West Bengal, reservation of vacancies for different classes of citizens, etc. have also been compiled in this publication for guidance of all appointing authorities in respect of appointment of teachers in recognised and aided primary schools.

It is hoped that this publication will be helpful to all persons interested in primary education in general and all appointing authorities, in particular, as a ready reference for various purposes related to primary education.

Bhabesh Moitra,

President,

Dated, Calcutta,

The November, 1997.

W. B. Board of Primary Education.

THE WEST BENGAL PRIMARY EDUCATION ACT, 1973 WEST BENGAL ACT XLIII OF 1973

[Passed by the West Bengal Legislature.]
[Assent of the President was first published
in the Calcutta Gazette, Extraordinary of the 20th
September, 1974]

(20th September, 1974)

An Act to make better provision for the development, expansion, management and control of primary education with a view to making it universal, free and compulsory.

Whereas it is expedient to make better provision for the development, expansion, management and control of primary education with a view to making it universal, free and compulsory ;

It is hereby enacted in the Twenty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows :

PART—I **CHAPTER—I** **Preliminary**

S.1 Short title, extent and commencement

(1) This Act may be called the West Bengal Primary Education Act, 1973

(2) It extends to the whole of West Bengal.

(3) It shall come into force in such areas and on such dates as the State Government may, by notification, appoint and different dates may be appointed for different areas or for different provisions of this Act.

S.2 Definitions—In this Act, unless there is anything repugnant in the subject or context,—

- i) "attendance" at a school means presence for instruction at a primary school for so many days in a school year and at such time or times on each day of attendance as may be required by the prescribed educational authority ;

- ii) "Board" means the West Bengal Board of Primary Education established under this Act ;
- iii) "Calcutta" means Calcutta as defined in the Calcutta Municipal Corporation Act, 1980 ; 2(a)
- iv) "Chairman" means the Chairman of a Primary School Council,
- v) "Child" means a boy or a girl who has completed five but not eleven years of age on the date of commencement of a school year, and includes any boy or girl who completes five years of age within ninety days from the date of commencement of a school year ; 2(b)
- vi) "Director" means the Director of School Education, West Bengal ;
- vii) "District" shall ordinarily mean a revenue District and shall also mean and include part of a District declared by the State Government as an "Educational District" by notification published in the Official Gazette ;" 2(c)
- viii) "District Inspector of Schools (Primary Education)", "District Officer for Physical Education and Youth Welfare" "District Special Officer for Scheduled Castes and Tribes Welfare" mean the respective officers designated as such by the State Government ;
- ix) "District School Board" means a District School Board established under the Bengal (Rural) Primary Education Act, 1930 ;
- x) "Division" means the following geographical divisions of the state—
 - a) the Presidency Division comprising the districts of Howrah, North 24-Parganas, South 24-Parganas, Nadia and Murshidabad, 2(d)(i)
 - b) the Burdwan Division comprising the districts of Hooghly, Midnapore, Birbhum, Bankura, Burdwan and Purulia,
 - c) the Jalpaiguri Division comprising the districts of Malda, Uttar Dinajpur, Dakshin Dinajpur, Cooch Behar, Jalpaiguri and Darjeeling, 2(d)(ii)

- ix) "guardian" means any person to whom the care, nurture or custody of any child falls by law or by natural right of recognised usage, or who has accepted or assumed the care, nurture or custody of any child or to whom the care or custody of any child has been entrusted by any lawful authority,
- x) "hill area" has the same meaning as in the Darjeeling Gorkha Hill Council Act, 1988, 2(e)
- xi) "Primary Teachers' Training Institute" includes a Primary Training School and a Senior Teachers' Training School for woman recognised by the Director, 2(f)
- xii) "linguistic minority community" means a community whose mother tongue is any language other than Bengali,
- xiii) "Municipal area" means any area— 2(g)
 - a) Constituted as
 - A) a municipal area under section 6, or
 - B) a notified area under section 378, of the West Bengal Municipal Act, 1993, or
 - b) Within the jurisdiction of
 - A) the Howrah Municipal Corporation Act, 1980, or
 - B) the Calcutta Municipal Corporation Act, 1980, or
 - C) the Siliguri Municipal Corporation Act, 1990, or
 - D) the Asansol Municipal Corporation Act, 1990, or
 - E) the Chandernagore Municipal Corporation Act, 1990, or
 - F) the Durgapur Municipal Corporation Act, 1994,
- xiv) [Omitted] 2(h)
- xv) "notification" means a notification published in the Official Gazette,
- xvi) "President" means the President of the West Bengal Board of Primary Education,

xvii) "primary education" means such elementary education as is imparted through a primary school, 2(i)

xviii) "primary school" means a school or a department of a school set up under this Act for imparting such primary education as the State Government may prescribe and includes a primary school or a junior basic school recognised under this Act and in existence on the date of coming into force of the West Bengal Primary Education (Amendment) Ordinance, 1996, 2(i)

xix) "Primary School Council" means a Primary School Council established under this Act and includes the Primary School Council for the subdivision of Siliguri, 2(j)

xx) "prescribed" means prescribed by rules made or notifications or orders issued, as the case may be, by the State Government under this Act, 2(k)

xxi) "school year" means the year beginning with such date as the Board may, with the previous approval of the State Government, fix,

xxia) "teacher" means a person who holds a teaching post in a primary school or in a Primary Teachers' Training Institute on a regular and whole time basis and is paid either wholly or in part from the funds under the control of the State Government in the Education Department, 2(l)

xxii) "specified Municipality" means a Municipality or a group of two or more Municipalities specified by the State Government by notification for the purposes of this Act,

xxia) "Staff" means— 2(m)

i) in relation to the West Bengal Board of Primary Education, the employees appointed by the Board against posts sanctioned by the State Government, and

ii) in relation to a Primary School Council, the employees appointed by the Council against posts sanctioned by the State Government.

xxiii) [Omitted], 2(n)

xxiv) [Omitted], 2(n)

xxv) "year" means a year beginning on the first day of April,

PART—II
CHAPTER—II
The Board

S.3 Establishment and incorporation of the West Bengal Board of Primary Education.

(1) The State Government shall, by notification, establish, with effect from such date as may be specified in the notification, a Board to be called the West Bengal Board of Primary Education.

(2) The Board shall be a body corporate with perpetual succession and a common seal, shall be entitled to acquire, hold and dispose of property, to enter into contracts and to all other things necessary for the purposes of this Act, and shall by its corporate name sue and be sued.

S.4 Composition of the Board—

The Board shall consist of the following members :—

(a) President to be appointed by the State Government, 3(a)

(aa) the Director, ex-officio, 3(a)

(b) the President of the West Bengal Board of Secondary Education, ex-officio,

(c) two teachers of Primary Teachers' Training Institute of whom one shall be the head of one such Institute elected in the prescribed manner by the teachers of Primary Teachers' Training Institute from among themselves, 3(b)

(d) twelve teachers of Primary Schools of whom four shall be elected from each Division in the prescribed manner by the members of the Primary School Councils, who are representatives of Primary School teachers in the Primary School Councils of the concerned Divisions,

(e) two teachers of Primary School elected in the prescribed manner by the members of the Calcutta Primary School Council, who are representatives of Primary School Teachers in the Calcutta Primary School Council,

(f) one person elected in the prescribed manner by the Councillors of Calcutta Municipal Corporation from amongst themselves, 3(b)

g) three persons, one from the each Division, elected in the prescribed manner by the Councillors of the municipal areas of the concerned Division from amongst themselves, 3(c)

h) three persons one from each Division, elected in the prescribed manner by the members of the Zilla Parishads of the concerned Division from amongst themselves,

i) six persons from amongst the members of the West Bengal Legislative Assembly elected in the prescribed manner by the members of the Assembly,

j) seventeen persons interested in education nominated by the State Government of whom at least—3(b)

(i) four shall be woman,

(ii) one shall be a member of the Anglo-Indian community,

(iii) one shall be a member of a Scheduled Caste,

(iv) one shall be a member of a Scheduled Tribe,

(v) one shall be a member of any of the linguistic minority communities in the State other than Nepali,

(vi) one shall be a Nepali inhabitant of the hill areas,

(vii) one shall be a College or University teacher,

(viii) two shall be teachers of secondary schools,

(ix) three shall be Chairmen of Primary School Councils,

(x) two persons to whom—3(c)

a) one shall be from the employees of the Board within the meaning of section 17 and

b) one shall be from the members of the staff (other than officers) within the meaning of section 56,

S.5 Appointment in default of election--

(1) If by such date as may be fixed by the State Government in this behalf any of the authorities fails to elect a member or members as provided in section 4, the State Government shall appoint member or members qualified for election by such authority,

Provided that in the case of the State Legislative Assembly, if the said Assembly has been dissolved, the State Government shall appoint six suitable persons to be members to hold office until the said Assembly is reconstituted and six representatives are elected by the members thereof. 4

(2) A person appointed under this section shall be deemed to be a member of the Board duly elected under section 4.

S.6 Publication of names of members of the Board--

The name of every person elected, nominated or appointed under section 4 or appointed under section 5 as a member of the Board shall be published by the State Government in the Official Gazette as soon as may be after the election, nomination or appointment, as the case may be. 5

S.7 Term of office of members of the Board--

(1) Subject to the provisions of this Act, every elected, nominated or appointed member of the Board shall hold office for a term of four years from the date of the first meeting of the Board at which a quorum is present and may, on expiration of such term, be re-elected, re-nominated or re-appointed,

(2) Notwithstanding the expiration of the term of four years mentioned in sub-section (1), every elected, nominated or appointed member of the Board shall continue to hold office until the first meeting of the newly-formed Board at which a quorum is present.

S.8 Casual vacancies--

If any member of the Board dies or resigns his office or ceases to be a member for any other reason the vacancy shall be filled up by fresh election, nomination or appointment under section 4 and the member so elected, nominated or appointed shall hold office for the unexpired portion of the term of the member whose place he fills, 6

Provided that no election shall be held to fill a vacancy of a member occurring within six months from the date on which the term of the office of the member expires.

S.9 President of the Board—

(1) The President shall be appointed by the State Government. 7(a)

(2) The President shall hold office for a term of four years mentioned in section 7. 7(a)

(3) The President shall receive such pay or allowances or both as may be fixed by the State Government. 7(b)

(4) The President may resign his office by giving notice in writing to the State Government and when such resignation is accepted by the State Government the President shall be deemed to have vacated his office.

(5) Omitted, 7(c)

S.10 Omitted, 8

S.11 Discharge of President's functions in certain contingencies—

(1) If the President dies or resigns his office or ceases to hold office or is by reason of leave, illness or other cause, temporarily unable to exercise the powers or perform the duties of his office, the Secretary to the Board shall forthwith send a report to the State Government in this behalf. And the State Government shall on receipt of the report as aforesaid authorise a member of the Board to exercise the powers and perform the duties of the President until a new President is appointed or the President resumes office as the case may be. 9(a)

(2) Omitted, 9(b)

(3) A President appointed to fill a casual vacancy shall hold office for the unexpired portion of the term of the President whose place he fills. 9(c)

S.12 Disqualifications for membership—

(1) A person shall be disqualified for being elected, nominated or appointed a member of the Board if he—

(a) has been adjudged by a competent Court to be of unsound mind,

- (b) is an undischarged insolvent,
 - (c) being a discharged insolvent, has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part,
 - (d) has been convicted by a Court of an offence involving moral turpitude,
 - (e) directly, or indirectly by himself or his partner—
 - (i) has or had any share or interest in any text book approved by the Board or published by or under the authority of the Board, or
 - (ii) has any interest in any work done by order of, or in any contract entered into on behalf of the Board.
- (2) If an elected, nominated or appointed member of the Board becomes after his election, nomination or appointment, as the case may be, subject to any of the disqualifications specified in sub-section (1), his membership shall thereupon cease with effect from such date as the State Government may direct.

S.13 Resignation and removal of members—

(1) A member of the Board may resign his office by giving notice in writing to the President and when such resignation is accepted by the Board such member shall be deemed to have vacated his seat.

(2) The State Government may, by notification, remove any member if he—

- (a) refuses to act or becomes incapable of acting as a member of the Board, or
- (b) acts in a manner prejudicial to the interests of the Board, or
- (c) without obtaining the consent of the President is absent from four consecutive meetings of the Board,

Provided that before such removal the member concerned shall be given an opportunity of being heard.

S.14 Meetings of the Board—

(1) The Board shall meet at least three times a year.

(2) Every meeting of the Board shall be convened by the Secretary to the Board under instructions of the President,

Provided that the President shall, when required in writing by one-third of the members of the Board to convene a meeting, direct the Secretary to do so within seven days from the date of receipt of the requisition and if no meeting is convened within the said period the members aforesaid may convene a meeting after giving seven clear days' notice to the President and other members of the Board.

S.15 Conduct of meetings—

(1) The President or in his absence one of the members of the Board elected from amongst those present shall preside at the meeting of the Board and the President or such member shall be entitled to vote on any matter and shall have a second or casting vote in every case of equality of votes. 10

(2) Subject to the provisions of sub-section (1), the Board shall have the power to regulate the procedure for the conduct of its business.

S.16 Restriction of voting—

(1) No member of the Board shall vote in any matter in which he has any personal or pecuniary interest or if it relates to any primary school of which he is either a teacher or a member of the Managing Committee.

(2) The President or the member presiding at a meeting of the Board shall decide any question arising under sub-section (1) and his decision thereon shall be final. 11

S.17 Secretary, Finance Officer and other persons in the service of the Board—

(1) The Board shall have a Secretary who shall be appointed by the State Government.

(2) The State Government may, if it so thinks fit, appoint a Finance Officer for the Board.

(3) The Board may, subject to the prior approval of the State Government, create such posts of officers and employees as it considers necessary for carrying out the purposes of this Act,

Provided that no officer or employee shall be appointed to any post carrying a monthly salary of three hundred rupees or more without the prior approval of the State Government.

(4) The terms and conditions of service and the scales of pay and allowances, if any, shall, as respect the Secretary, the Finance Officer, if any, and other officers and employees, be such as may be fixed by the State Government.

(5) The pay and allowances of the Secretary and the Finance Officer, if any, shall be paid out of the fund of the Board.

(6) Subject to the general control and supervision of the President, the Secretary shall be the principal administrative officer of the Board. He shall be entitled to attend and speak at any meeting of the Board, but shall not be entitled to vote.

(7) The Finance Officer shall perform such functions and discharge such duties as may be prescribed.

(8) Subject to prescribed conditions, the Board may award any punishment including dismissal or removal of the members of its staff other than the Secretary and the Finance Officer.

S.18 Travelling allowance—

Such members of the Board or of any Committee thereof as are not in the service of the State Government shall, in respect of expenses incurred by them in attending meetings of the Board, or of any such Committee, or in exercising any powers or performing any duties conferred or imposed upon them by or under this Act, be paid by the Board such allowances and at such rates as may be prescribed.

S.18A "Adhoc Committee—

(1) The State Government may, by notification appoint an Adhoc Committee for such period, not exceeding one year at a time, as may be specified in the notification. 12

(2) The Committee shall consist of such number of members as the State Government may think fit to appoint.

(3) The Committee shall exercise all the powers and perform all the functions of the Board and the Committees of the Board to be constituted under this Act."

Powers and functions of the Board and the President

S.19 Powers and functions of the Board—

(1) Subject to any general or special orders of the State Government, the provisions of this Act and any rules made thereunder, the Board shall have generally the power to guide, supervise and control primary education and in particular the power—

- a) to prepare and maintain a register of primary schools ;
- b) to provide by regulations, after considering the recommendations, if any, of the Curriculum Committee, the syllabus, the courses of studies to be followed and the books to be studied in primary schools and for examinations conducted by the Primary School Councils ;
- c) to maintain and publish, from time to time, lists of books approved for use in primary schools and for examinations conducted by the Primary School Councils and to remove the name of any such book from any such list ;
- d) to institute with the approval of the State Government such examinations as it may think fit, and to make regulations on all aspects connected with such examinations ;
- e) to make regulations regarding the conditions to be fulfilled by candidates presenting themselves for examinations conducted by the Primary School Councils ;
- f) to exercise general supervision and control over the work of the Primary School Councils and for that purpose to issue such instructions to the Primary School Councils relating to primary education as it may think fit and to call for reports from the Primary School Councils on matters relating to primary education ;

g) to administer the West Bengal Board of Primary Education Fund ;

h) to institute and administer such provident funds as may be prescribed, ;

i) to make regulations relating to the conduct, discipline and appeal in respect of the members of the staff of the Board ;

j) to make regulations relating to the conduct and discipline in respect of teachers and non-teaching staff of primary schools under the Primary School Councils and in respect of the staff of the Primary School Councils ; 13(a)

k) to transfer any teacher or non-teaching staff from a primary school within the jurisdiction of one Primary School Council to a primary school within the jurisdiction of another Primary School Council ;

kk) to transfer any officer or employee, other than the Secretary and the Finance Officer, from one Primary School Council to another Primary School Council or to the Board or from the Board to a Primary School Council, 13(b)

l) to make regulations determining the mode of teaching and the medium of instruction to be followed in primary schools,

m) to make regulations for deciding any dispute relating to primary schools but not relating to teaching or non-teaching staff of such schools,

n) to determine, with the approval of the Director, the hours of instruction and the number and duration of vacations,

o) [Omitted],

p) to advise the State Government on all matters relating to primary education referred to it by the State Government,

q) to grant financial aids to Primary School Councils for the development of primary education or for any other purpose,

qq) to consider and recommend the budget estimates of the Primary School Councils to the Director, 13(c)

r) to perform such other functions and discharge such other duties as may be prescribed.

(2) Subject to the provisions of sub-section (1), the Board shall have the power to make regulations in respect of any matter for the proper exercise of its powers under this Act,

Provided that no regulation shall be valid unless it is approved by the State Government.

(3) The State Government may, in according the approval referred to in the proviso to sub-section (2), make such additions, alterations and modifications therein as it thinks fit,

Provided that before making any such additions, alterations or modifications the State Government may, if it thinks fit, give the Board an opportunity to express its views thereon within such period as may be specified by the State Government.

(4) All regulations approved by the State Government shall be published in the Official Gazette.

S.20 Powers and duties of the President—

(1) The President shall be responsible for carrying out and giving effect to the decisions of the Board and of any Committee thereof.

(2) The President may, in any emergency, exercise any of the powers of the Board, provided, however, that he shall not act contrary to any decision of the Board, and shall within one month, report to the Board the action taken by him together with reasons therefor.

(3) The President shall—

a) exercise general supervision and control over the Secretary, the Finance Officer, if any, and the staff appointed by the Board and post and transfer the members of the staff,

- b) sanction all claims of travelling allowance,
- c) take such other action not inconsistent with any decision of the Board as he considers necessary for the proper functioning of the Board under this Act.

S.21 Omitted, 14

CHAPTER—IV

Committees of the Board

S.22 Committees—

Within such time as may be prescribed after the Board is established, the Board shall constitute the following Committees, namely—

- a) the Curriculum Committee,
- b) the Evaluation Committee,
- c) the Development Committee,
- d) the Finance Committee,

S.23 Curriculum Committee—

(1) The Curriculum Committee shall consist of the following members, namely—

- a) the President,
- b) an officer not below the rank of a Deputy Director of School Education, Government of West Bengal, 15(a)
- c) the Director, State Council of Educational Research and Training, West Bengal, 15(b)
- d) one of the two members of the Board referred to in clause (c) of section 4 elected in the prescribed manner by the Board, 15(c)
- e) three teachers of primary schools elected in the prescribed manner by the Board,
- f) one teacher of a secondary school elected in the prescribed manner by the West Bengal Board of Secondary Education,
- g) two persons having special knowledge of science, art, crafts or primary education, who may or

may not be members of the Board, nominated by State Government,

h) two out of six members of the Board referred to in clause (i) of section 4 elected in the prescribed manner by the Board. 15(d)

(2) The President shall be the Chairman of the Curriculum Committee and the Secretary to the Board shall be the Secretary to the said Committee.

(3) It shall be the duty of the Curriculum Committee to—

a) advise the Board about the syllabus and courses of studies to be followed in primary schools as well as for examinations instituted or conducted by the Board or the Primary School Councils,

b) advise the Board on any matter relating to the syllabus, courses of studies or books to be studied, as may be referred to it by the Board.

(4) The Curriculum Committee may appoint such Sub-Committee or Sub-Committees as it may consider necessary to advise it upon any matter referred to in sub-section (3) and it shall not be necessary for any member of such a Sub-Committee to be a member of the said Committee or the Board.

S.24 Evaluation Committee—

(1) The Evaluation Committee shall consist of the following members, namely—

a) the President,

b) an officer not below the rank of a Deputy Director of School Education, Government of West Bengal to be nominated by the State Government. 16(a)

c) the Director, State Council of Educational Research & Training, West Bengal, 16(a)

d) Omitted, 16(b)

e) one of the two members of the Board referred to in clause (c) of section 4 elected in the prescribed manner by the Board,

f) Omitted,

- g) one teacher of a High School elected in the prescribed manner by the West Bengal Board of Secondary Education,
 - h) three teachers of primary schools elected in the prescribed manner by the Board,
 - i) three persons having special knowledge in primary education or evaluation, who may or may not be members of the Board, nominated by the State Government,
 - j) two out of six members of the Board referred to in clause(i) of section 4 elected in the prescribed manner by the Board.
- (2) The President shall be the Chairman of the Evaluation Committee and the Secretary to the Board shall be the Secretary to the said Committee.
- (3) It shall be the duty of the Evaluation Committee—
- a) to assess from time to time the standard of instruction in a primary school with reference to the norms and objectives set by the Board and to suggest improvement on the basis of such assessment.
 - b) to advise the Board on such other matter relating to progress, improvement and development of the academic aspect of primary education as may be assigned to it by the Board.
- (4) The Evaluation committee may appoint such Sub-Committee or Sub-Committees as it may consider necessary to advise it upon any matter referred to in sub-section (3) and not more than half of the total members of such Sub-Committee may consist of persons who are not members of the said Committee or the Board.

S.25 Development Committee—

- (1) The Development Committee shall consist of the following members, namely—
- a) the President,
 - b) an officer of the Education Department, Government of West Bengal, nominated by the State Government,

c) a woman officer of the Education Department, Government of West Bengal, nominated by the State Government,

d) one officer of the Directorate of Health Services, Government of West Bengal, not below the rank of a Deputy Director, nominated by the Director of Health Services, Government of West Bengal

e) three of the twelve members of the Board referred to in clause (d) of section 4 elected in the prescribed manner by the Board. 17

f) the member of the Board referred to in clause (f) of section 4, 17

g) one of the three members of the Board referred to in clause (h) of section 4 elected in the prescribed manner by the Board, 17

h) one of the three members of the Board referred to in clause (h) of section 4 elected in the prescribed manner by the Board, 17

i) two out of the six members of the Board referred to in clause (i) of section 4 elected in the prescribed manner by the Board, 17

j) two persons who may or may not be members of the Board nominated by the State Government.

(2) The President shall be the Chairman of the Development Committee and the Secretary to the Board shall be the Secretary to the said Committee.

(3) It shall be the duty of the Development Committee to—

a) advise the Board in the matter of improvement and development of primary schools in all aspects, including schemes for universal, free and compulsory education, construction of building, welfare of students and teachers and other staff, good relationship between guardians, teachers and students, community participation in schools, meals supplied in schools and the health of the students in schools,

b) advise on any other matter assigned to it by the Board relating to progress, development and improvement of primary education excepting those allotted to the Curriculum or the Evaluation Committee.

S.26 Finance Committee—

(1) The Finance Committee shall consist of the following members, namely—

- a) the President,
- b) the Secretary of the Board,
- c) two persons having knowledge in financial matters nominated by the State Government,
- d) two members of the Board elected in the prescribed manner by the members of the Board of whom one shall be a teacher of a Primary School.

(2) The President shall be the Chairman of the Finance Committee and the Finance Officer, or if there is no Finance Officer, the Secretary to the Board shall be the Secretary to the said Committee.

(3) It shall be the duty of the Finance Committee to prepare the budget of the Board, to advise the Board on all financial matters and to perform such other functions as may be prescribed.

S.27 Power to constitute other Committees—

(1) The Board may, with the approval of the State Government and subject to such directions as the State Government may issue in this behalf, constitute such other Committee or Committees as it may think fit and any such Committee may be composed wholly or in part of members of the Board.

(2) The Board may, with the approval of the State Government, delegate to any such Committee any of its powers or functions and may in like manner withdraw from it any such power or function.

S.28 Terms of office of members of the Committees—

(1) An elected, a nominated or an appointed member of any Committee, who is also a member of the Board, shall continue to hold office until he ceases to be a member of the Board.

(2) An elected, a nominated or an appointed member of any Committee who is not a member of the Board, shall hold office for such term, as may be prescribed and may on expiration of such term, be re-elected, re-nominated or re-appointed,

Provided that notwithstanding the expiration of the said term, an elected, a nominated or an appointed member of a Committee shall continue to hold office until the vacancy caused by the expiration of the said term has been filled in accordance with the provisions of this Act.

(3) The provisions of section 5 and of sections 8, 12 and 13 shall apply, *mutatis mutandis*, to members of any Committee as if reference to the Board or the President were references to such Committee or the Chairman of such Committee.

S.29 Power of the State Government to dissolve Committee—

The State Government may, on the recommendations of the Board, if it so thinks fit, dissolve any of the Committees of the Board and may direct the Board to take steps for the reconstitution of the Committee so dissolved.

CHAPTER—V Finance and Audit

S.30 Annual report and budget estimate—

(1) The President shall place before the annual meeting of the Board held in the year following the year in which it is established and before every annual meeting thereafter to be held in the month of August in each year a report on the working of the Board during the last preceding year, together with a budget estimate showing in such form as may be prescribed, the anticipated income and expenditure of the Board during the year immediately succeeding the one in which such annual meeting is held.

(2) The report shall be forwarded to the State Government within one month of the presentation thereof before the annual meeting of the Board together with such comments thereon as the Board may think fit to make.

(3) The budget estimate shall after confirmation by the Board be forwarded to the State Government within such time as may be prescribed.

(4) The State Government shall within two months of the receipt of the budget estimate either accord its approval

to the same or return it to the Board with such comments and suggestions as it deems necessary if in its opinion such estimate—

a) is not reasonably accurate with reference to ascertainable facts or shows a deficit in the closing balance,

b) includes new items of recurring expenditure which are likely to impose upon the Board in the future financial liabilities which the Board is not likely to be able to meet from its income, or

c) includes provisions for expenditure which are not in accordance with the provisions of this Act.

(5) If the budget estimate is returned under sub-section (4), the Board shall consider the comments and suggestions made by the State Government and may, if it thinks fit, revise the said estimate. The Board shall then resubmit the budget estimate as so revised to the state Government, or, the Board shall, if it does not think fit to revise the estimate, resubmit it in its original form to the State Government within one month of receiving it together with its replies on the comments and suggestions made by the State Government.

(6) If the State Government does not approve of the budget estimate as revised by the Board or if the budget estimate is returned by the Board without revision, the State Government may amend the budget estimate by making,

a) such modifications as are in its opinion necessary to render the estimate reasonably accurate with reference to ascertainable facts or to balance the income and the expenditure,

b) additions, alterations or modifications in any provision relating to new expenditure of a recurring nature,

c) any alteration or modification in any provision for expenditure which, in its opinion, is not in accordance with the provisions of this Act,

and shall approve the budget estimate so amended and forward it to the Board.

(7) Omitted, 18



S.31 Payment to the Board by the State Government—

The State Government may, after considering the budget estimate, the accounts of the Board and such other reports as it may call for, make such annual or periodical grants to it as may think fit.

S.32 West Bengal Board of Primary Education Fund—

(1) The Board shall have a Fund to be called the West Bengal Board of Primary Education Fund to which shall be credited—

a) all sums which may be paid by the State Government,

b) all sums representing income from endowments or from property owned or managed by the Board, and

c) all other sums received by or on behalf of the Board from any other source whatsoever.

(2) The Fund shall vest in the Board and shall be under its control and shall be held by it in trust for the purposes of this Act.

(3) All monies payable to the credit of the fund shall forthwith be paid into the Reserve Bank of India or into the State Bank of India or any branch thereof to the credit of the Fund, and all cheques drawn on the Fund shall be signed by the President or by such other persons as he may authorise in writing in this behalf. 19

(4) The Fund shall be maintained, administered and used in the manner prescribed.

S.33 Application of the West Bengal Board of Primary Education Fund—

No expenditure shall be incurred from the Fund except for the purposes of this Act, and unless such expenditure is provided for in the budget as approved under this Act or can be met by reappropriation sanctioned in the prescribed manner.

S.34 Accounts—

The Board shall keep an account of all its receipts and expenditure in the manner prescribed.

S.35 Audit—

(1) The accounts of the Board shall be examined and audited annually in such manner as may be prescribed, by an auditor or auditors appointed by the State Government.

(2) For the purpose of examination and audit under sub-section (1) the auditor may—

a) require in writing the production before him of any document relating to the Board or the assets thereof which he considers to be necessary for the proper conduct of the audit,

Provided that the Board shall not be bound to submit to the auditor documents, in original, of expenditure in connection with any anti-corruption work and of expenditure for printing of question papers and certificates, but shall, if so required by the auditor, furnish extracts of such documents duly certified by the President as correct after withholding such portion of the documents as will, in the opinion of the President, tend to disclose either the identity or the sources of such expenditure,

b) require in writing the personal appearance before him of any person accountable for, or having the custody or control of, any such documents to answer any question relating thereto, and

c) require any person so appearing before him to submit a statement in writing in respect of any such document.

(3) It shall be the duty of the Board and of every member thereof, and of the secretary, the Finance Officer, if any, and the members of the staff in the service of the Board, to afford to the auditor every facility for the examination and audit of the accounts of the Board and to comply with any requisition made by the auditor under sub-section (2) and with the requirement of any rule made in this behalf.

(4) Any person who wilfully neglects or refuses to comply with a requisition made under sub-section (2) or with the requirement of any rule made in this behalf shall, on conviction, be punishable with fine which may extend to one hundred rupees.

(5) No complaint in respect of any offence punishable under sub-section (4) shall be made except with the previous sanction of the State Government.

(6)* No Magistrate other than a Presidency Magistrate or a Magistrate of the first or second class shall try an offence punishable under sub-section (4).

S.36 Audit Report—

(1) Not more than fourteen days after completion of the audit, the auditor shall submit to the State Government a report on the accounts audited, and shall send a copy thereof to the Board which shall forward it to the State Government together with its observations thereon, within thirty days from the date of receipt of the audit report,

(2) The State Government shall take such action on the audit report as it thinks fit.

PART—III

CHAPTER—VI

The Primary school Councils

S.37 District Primary School Councils—

(1) The State Government shall, by notification, establish for each district excluding the hill areas and the areas included in Calcutta, with effect from such dates as may be specified in the notification, a District Primary School Council bearing the name of the district and for the sub-division of Siliguri, Siliguri Primary School Council, 20(a)

Provided that the State Government shall, by notification, establish for the sub-division of Siliguri excluding such mouzas of the sub-division as are comprised in the hill areas with effect from such date as may be specified in the notification, a Primary School Council bearing the name of the sub-division. 20(a)

(2) A District Primary School Council shall consist of the following members, namely—

- a) the District Inspector of Schools, in charge of primary education,

- b) the District Special Officer, Scheduled Castes and Tribes Welfare or where no such officer is posted, the District Tribal Welfare Officer,
- c) the District Social Education Officer,
- d) one member for each sub-division, elected in the prescribed manner by the members of Panchayet Samities within the sub-division from amongst themselves. 20(b)

Provided that the number shall in no case be less than three,

- e) three members, elected in the prescribed manner by the Councillors of the municipal areas within the districts from amongst themselves, 20(b)

Provided that in the district of 24-Parganas, four members shall be elected by such Municipalities,

- f) three members, elected in the prescribed manner by the members of Zilla Parishad of the district from amongst themselves, 20(b)

- g) one teacher of a Primary Teachers' Training Institute in the district, elected in the prescribed manner by the teachers of such Institutions in the district, 20(c)

- h) three teachers elected in the prescribed manner by the teachers of primary schools in each sub-division from amongst themselves,

[Proviso omitted] 20(c)

- i) not exceeding fifty percent of the members of the West Bengal Legislative Assembly, subject to a maximum of six, not being ministers, representing the constituencies comprised within the territorial jurisdiction of the district concerned, elected from amongst themselves in the manner prescribed, 20(d)

[Proviso omitted] 20(d)

- ii) one member from the staff of the Primary School Council elected in the prescribed manner by the members of the staff of the District Primary School Council from amongst themselves,

j) six persons interested in education, nominated by the State Government of whom— 20(b)

(i) one shall be a woman,

(ii) one shall be a member of a Scheduled Caste,

(iii) one shall be a member of a Scheduled Tribe,

(iv) one shall be a member of linguistic minority,

(v) one shall be a college teacher,

(vi) one shall be a secondary school teacher.

k) the Chairman to be appointed by the State Government. 20(e)

(2A) The Siliguri Primary School Council for the sub-division of Siliguri shall consist of the following members, namely— 20(f)

a) the District Inspector of Schools in charge of primary education,

b) the Special Officer, Scheduled Castes and Tribes Welfare or, where no such officer is posted, the Tribal Welfare Officer-in-charge of the matters concerning the Scheduled Castes and the Scheduled Tribes of the sub-division,

c) the District Social Education Officer,

d) three members elected in the prescribed manner by the members of the Panchayat Samities within the sub-division from amongst themselves,

e) two members elected in the prescribed manner by the Councillors of the municipal areas within the sub-division from amongst themselves,

f) two members elected in the prescribed manner by the members of the Mahakuma Parishad for the sub-division from amongst themselves,

g) one teacher of a Primary Teachers' Training Institute in the sub-division elected in the prescribed manner by the teachers of such Institutes in the sub-division,

h) three teachers elected in the prescribed manner by the teachers of primary schools in the sub-division from amongst themselves,

i) two members of the West Bengal Legislative Assembly, not being Ministers, elected in the prescribed manner by the members of the Legislative Assembly, representing the constituencies comprised within the territorial jurisdiction of the sub-division, from amongst themselves,

j) one member from the staff of the Primary School Council elected in the prescribed manner by the members of the staff of the Siliguri Primary School Council from amongst themselves,

k) four persons interested in education nominated by the State Government of whom—

(i) one shall be a woman,

(ii) one shall be a member of the Scheduled Caste or Scheduled Tribe,

(iii) one shall be a member of linguistic minority, and

(iv) one shall be a secondary school teacher.

(3) A District Primary School Council or, as the case may be, Siliguri Primary School Council shall be a body corporate with perpetual succession and a common seal, shall be entitled to acquire, hold and dispose of property, to enter into contracts and to do all other things necessary for the purpose of this Act, and shall by its corporate name sue or be sued. 20(g)

S.38 Calcutta Primary School Council—

(1) The State Government shall, by notification, establish for Calcutta, with effect from such date as may be specified in the notification, a Primary School Council to be called the Calcutta Primary School Council.

(2) The Calcutta Primary School Council shall consist of the following members, namely—

a) the District Inspector of Schools (Primary Education), Calcutta,

aa) the District Social Education Officer, Calcutta, 21(a)

aaa) the Deputy Director of School Education (Anglo-Indian Schools), 21(a)

b) the Chairman, Calcutta Metropolitan Development Authority or any person nominated by him,

c) six persons elected in the prescribed manner by the Councillors of the Calcutta Municipal Corporation from amongst themselves, 21(b)

d) nine teachers elected in the prescribed manner by the teachers of Primary Schools in Calcutta from amongst themselves, 21(b)

e) Omitted, 21(c)

f) Omitted, 21(c)

g) six members of the West Bengal Legislative Assembly, not being Ministers, elected in the prescribed manner by the members of the Legislative Assembly representing constituencies comprised within the territorial jurisdiction of the Calcutta Municipal Corporation from amongst themselves, 21(d)

gg) one teacher of a Primary Teachers' Training Institute of Calcutta elected in the prescribed manner by the teachers of the Primary Teachers' Training Institutes of Calcutta from amongst themselves, 21(d)

ggg) one member from the staff of the Primary School Council, Calcutta elected in the prescribed manner from amongst themselves, 21(d)

h) six persons interested in education nominated by the State Government, of whom—

(i) one shall be a woman,

(ii) one shall be a member of the Anglo-Indian community,

(iii) one shall be a member of the linguistic minority communities in Calcutta, 21(d)

(iv) one shall be a member of a Schedule Caste, 21(d)

(v) one shall be a secondary teacher,

(vi) one shall be a college teacher,

i) The Chairman to be appointed by the State Government.

(3) The Calcutta Primary School Council shall be a body corporate having perpetual succession and a common seal, shall be entitled to acquire, hold and dispose of property, to enter into contracts and to do all other things necessary for the purposes of this Act, and shall by its corporate name sue and be sued.

S.39 Omitted. 22

S.40 Appointment in default of election—

(1) If by such date, as may be fixed by the State Government in this behalf, any of the authorities fails to elect a member or members as provided in section 37 or section 38 the State Government shall appoint member or members qualified for election by such authority, 23

(2) A person appointed under this section shall be deemed to be a member of the Primary School Council duly elected by the authority concerned.

S.41 Publication in the Official Gazette—

The name of every member elected, nominated or appointed under section 37 or section 38 or appointed under section 40 as a member of a Primary School Council shall be published by the State Government in the Official Gazette as soon as may be after his election, nomination or appointment, as the case may be. 24

S.42 Term of office of members—

(1) Subject to the provisions of this Act, every elected, nominated or appointed member of a Primary School Council shall hold office for a term of four years from the date of the first meeting of the Primary School Council at which a quorum is present and may on expiration of such term be re-elected, re-nominated or re-appointed.

(2) Notwithstanding the expiration of the term of four years mentioned in sub-section (1), every elected, nominated or appointed member of a Primary School Council shall continue to hold office until the first meeting of the newly formed Primary School Council at which a quorum is present.

S.43 Casual vacancies—

If any member of a Primary School Council dies or resigns his office or ceases to be a member for any other reason, the vacancy shall be filled up by fresh election, nomination or appointment under section 37 or section 38 as the case may be and the member so elected, nominated or appointed shall hold office for the unexpired portion of the term of the member whose place he fills, 25

Provided that no election shall be held to fill a vacancy of a member occurring within four months from the date on which the term of the office of the member expires.

S.44 Chairman of a Primary School Council— 26(a)

(1) There shall be a Chairman of a Primary School Council, 26(a)

(2) The Chairman shall hold office for a term of four years mentioned in section 42, 26(b)

(3) The Chairman shall receive such pay or allowances or both as may be fixed by the State Government, 26(c)

(4) The Chairman may resign his office by giving notice in writing to the State Government and when such resignation is accepted by the State Government the Chairman shall be deemed to have vacated his office, 26(d)

(5) Omitted, 26(e)

S.45 Omitted, 27

S.46 Discharge of Chairman's functions in certain contingencies—

(1) If the Chairman dies or resigns his office or ceases to hold office or is by reason of leave, illness or other cause, temporarily unable to exercise the powers or perform the duties of his office, the Secretary to the Primary School Council shall forthwith send a report to the State Govern-

ment in this behalf. And the State Government shall, on receipt of the report as aforesaid authorise a member of the Primary School Council to exercise the powers and perform the duties of the Chairman until a new Chairman is appointed or the Chairman resumes office, as the case may be, 28(a)

(2) Omitted, 28(b)

(3) A Chairman appointed to fill a casual vacancy shall hold office for the unexpired portion of the term of the Chairman whose place he fills. 28(c)

S.47 Disqualifications for membership—

The provisions of section 12 shall mutatis mutandis apply in the case of a member of a Primary School Council.

S.48 Resignation of members—

A member of a Primary School Council may resign his seat by giving notice in writing to the Chairman and when such resignation is accepted by the Chairman such member shall be deemed to have vacated his seat.

S.49 Meetings of the Primary School Council—

(1) Every Primary School Council shall meet at least three times a year.

(2) Every meeting of the Primary School Council shall be convened by the Secretary to the Primary School Council under instructions of the Chairman,

Provided that the Chairman shall, when required in writing by one-third of the members of the Primary School Council to convene a meeting, direct the Secretary to do so within seven days from the receipt of the requisition and if no meeting is convened within the said period the members aforesaid may convene a meeting after giving seven clear days' notice to the Chairman and other members of the Primary School Council.

S.50 Conduct of meetings—

(1) The Chairman or in his absence one of the members of the Primary School Council elected from amongst those present shall preside at the meeting of the Primary School

Council and the Chairman or such member shall be entitled to vote on any matter and shall have a second or casting vote in every case of equality of votes. 29

(2) Subject to the provisions of sub-section (1), the Primary School Council shall have the power to regulate the procedure for the conduct of its business.

S.51 Restriction on voting—

(1) No member of a Primary School Council shall vote on any matter in which he has any personal or pecuniary interest or if it relates to any Primary School of which he is either a teacher or a member of the Managing Committee.

(2) The Chairman or the member presiding at a meeting of a Primary School Council shall decide any question arising under sub-section (1) and his decision thereon shall be final. 30

S.52 Removal—

The State Government may, by notification remove the Chairman or a member of Primary School Council, if he—

a) refuses to act or becomes incapable of acting as Chairman, or member of the Primary School Council 31

b) acts in a manner prejudicial to the interest of the Primary School Council, or

c) without obtaining the consent of the Primary School Council is absent from six consecutive meetings of the Primary School Council ;

Provided that before such removal the Chairman, or the member concerned shall be given an opportunity of being heard. 31

S.53 Duties of the Chairman—

(1) The Chairman shall be responsible for carrying out and giving effect to the decisions of the Primary School Council and of any Committee thereof.

(2) The Chairman may, in any emergency, discharge any of the duties of the Primary School Council, provided, however, that he shall not act contrary to any decision of the

Primary School Council, and shall within one month report the Primary School Council the action taken by him together with reasons therefor.

(3) The Chairman shall—

- a) exercise general supervision and control over the Secretary, the Finance Officer and the staff appointed by the Primary School Council and post and transfer the members of the staff,
- b) sanction all claims of travelling allowances,
- c) take such other action not inconsistent with any decision of the Primary School Council as he considers necessary for the proper functioning of the Primary School Council under the Act.

S.54 Omitted, 32

S.55 Secretary and Finance Officer of Primary School Council—

(1) Every Primary School Council shall have a Secretary and a Finance Officer.

(2) The Secretary shall be appointed by the State Government and the terms and conditions of service of the Secretary and his pay and allowances shall be such as the State Government may determine.

(3) Subject to the general control and supervision of the Chairman, the Secretary shall be the principal administrative officer of the Primary School Council.

(4) The State Government shall appoint a person possessing such qualification as may be prescribed as the Finance Officer upon such terms and conditions and on such pay and allowances as the State Government may determine. 33

(5) The Finance Officer shall be in charge of the matters relating to finance and accounts of the Primary School Council and shall perform such functions as may be prescribed.

(6) The pay and allowances of the Secretary and the Finance Officer shall be paid out of the fund of the Primary School Council.

(7) The Secretary and the Finance Officer shall be entitled to attend and speak at any meeting of the Primary School Council but shall not be entitled to vote.

S.56 Other staff of the Primary School Council—

(1) Subject to the prescribed conditions and with prior approval of the State Government, a Primary School Council may appoint such officers and other staff as may be considered necessary for carrying out the duties under the Act..

(2) The scale of pay and allowances in respect of such officers and other staff and other terms and conditions of their appointment shall be such as may be determined by the State Government from time to time.

(3) Subject to the prescribed conditions, a Primary School Council may award any punishment including dismissal or removal on the members of its staff other than the Secretary and the Finance Officer,

Provided that no punishment other than censure of a teacher or a School Mother of Primary School be awarded except on the recommendation of the Discipline Committee.

S.57 Travelling Allowance—

Such members of the Primary School Council or of any Committee thereof as are not in the service of the State Government shall, in respect of expenses incurred by them in attending meetings of the Primary School Council, or of any such Committee, or in exercising any powers or performing any duties conferred or imposed upon them by or under this Act, be paid by the Primary School Council such allowances and at such rates as may be prescribed.

S.58 Control by Board—

If at any time, it appears to the Board that a Primary School Council has made default in discharging any duty imposed upon it by or under this Act, the Board may after giving the Primary School Council an opportunity of being heard, fix, by an order in writing, a period within which such duty is to be discharged.

S.59 Supersession of Primary School Council and appointment of an Administrator—

(1) If at any time, on receipt of a report from the Board or otherwise, it appears to the State Government that a Primary School Council is not competent to perform, or persistently makes default in the performance of the duties imposed upon it by or under this or any other Act, or exceeds or abuses its powers, the State Government may, after giving the Primary School Council an opportunity of being heard by an order in writing specifying the reasons for so doing, remove all members of such Primary School Council and direct that the vacancies shall thereupon be filled by election, nomination or appointment, as the case may be, in respect of elected, nominated or appointed members,

Provided that when the State Government proposes to make an order under this sub-section otherwise than on a report from the Board the State Government shall ask the Board to give its opinion in the matter within a date to be fixed by the State Government and an order under this subsection shall be made after considering the opinion of the Board, if any, received within the date so fixed.

(2) From the date of an order under sub-section (1) and until the vacancies are filled—

- a) all powers and duties of the Primary School Council shall be exercised and performed by, and
- b) all property vested in Primary school Council shall vest in,

such person and in such manner, as the State Government may direct.

S.60 Duties of the Primary School Council—

(1) It shall be the duty of every Primary School Council—

- a) to prepare and maintain in such manner and containing such particulars as may be prescribed, a register showing all primary schools within its jurisdiction, together with the teachers thereof and the accommodation available therein,

- b) to maintain in such manner and containing such particulars as may be prescribed a register of teaching and non-teaching staff of all primary schools under its management,
- c) to maintain in such manner and containing such particulars as may be prescribed a service record of teaching and non-teaching staff of all primary schools under its management,
- d) to tabulate such further information and to prepare such plans or maps as may be necessary to enable the Primary School Council to frame an estimate of the existing provisions for primary education and of the further provisions necessary to place primary education within the reach of all children,
- e) to prepare in the prescribed manner schemes for the extension of primary education and to make adequate provisions for facilities for the free primary education of all children to whom such schemes apply,
- f) to arrange, in the prescribed manner and with the prior approval of the Board, for the opening of additional primary schools and expansion of existing primary schools with a view to giving effect as funds permit to such schemes,
- g) to provide for the welfare of the children attending primary schools,
- h) to maintain an adequate number of primary schools within its jurisdiction,
- i) to carry on propaganda for expansion of primary education,
- j) to construct, repair and manage, either directly or through any local authority, all primary schools under public management,
- k) subject to the prescribed conditions, to appoint teachers and other staff in primary schools, to transfer any such teacher or other staff from one primary school to another primary school within the

jurisdiction of the same Primary School Council and to pay to teachers and other staff salaries and allowances, if any, at such rates as may be fixed by the State Government ;

kk) to set up new primary Schools subject to fulfilment of terms and conditions and observance of the guidelines laid down in this behalf by the State Government from time to time, 34(a)

l) i) to withdraw recognition of any primary school on such ground and following such procedure, as the State Government may prescribe, and

ii) to grant financial aid to a recognised primary school or to withdraw financial aid to recognised primary school on such ground, and in such manner, as the State Government may prescribe, 34(b)

ll) to amalgamate two or more primary schools into one primary school, to split a primary school into two or more primary schools, and to shift a primary school from one site to an other, 34(c)

m) to make grants in the prescribed manner for scholarships and stipends,

n) to prepare and transmit to the Director proposals for increasing the supply of trained and certified teachers,

o) to comply with such instructions as may be issued by the Board under clause (f) of sub-section (1) of section 19,

p) to advise upon and to supply all information with respect to matters relating to primary education referred to the Primary School Council by the Director or the Board,

q) subject to the prescribed conditions—

i) to grant pensions and gratuities to ,

ii) to form and manage provident or an annuity fund for,

iii) to compel contributions to such fund from, and

iv) to supplement the contributions to such fund of the establishment of the Primary School Council and teachers in primary schools,

r) to exercise supervision and control over the primary schools and the work of the Welfare Committees, and

s) to perform such other duties as may be prescribed.

(2) The register referred to in clause (a) of sub-section (1) shall be maintained and the information referred to in clause (d) thereof shall be tabulated separately for each prescribed area.

S.61 Reports to be made by the Primary School Council—

(1) Every Primary School Council shall in each financial year—

a) frame and transmit to the Director, by such date and in such form as he may direct, a statement showing for the area within its jurisdiction—

i) the names of primary schools for which grants have been sanctioned for that year, and

ii) the amount of the grant which has been sanctioned for each such school,

b) furnish a report to the Director, by such date and in such form as he may direct, exhibiting the grants which it has distributed to schools within its jurisdiction.

(2) A copy of such statement and of such report shall be sent to the Board.

S.62 Primary School Council to furnish other prescribed reports—

Every Primary School Council shall prepare and transmit to the Director and the Board such further reports and statements as the State Government may from time to time determine.

S.63 Compulsory acquisition of land for the purpose of the Act—

The State Government may, at the request of the Chairman of a Primary School Council, acquire, under the provisions of any law for acquisition of land for the time being in force, any land required for the purpose of this Act.

Explanation—"Land" in this section has the same meaning as in clause (b1) of section 2 of the West Bengal Land (Requisition and Acquisition) Act, 1948.

S.64 Transfer of primary schools under the control of the Calcutta Municipal Corporation— 35(a)

With such date as may be fixed by the State Government by notification,—

a) such primary schools in Calcutta as may be mentioned in the notification in consultation with the Calcutta Municipal Corporation, together with their lands, buildings, and other properties, movable or immovable, vested in or under the control of the Calcutta Municipal Corporation immediately before such date, shall stand transferred to the Calcutta Primary School Council ; 35(b)

b) the primary schools referred to in clause (a) shall be under the control and management of the Calcutta Primary School Council ;

c) teachers of such primary schools who are employed against permanent vacancies and are in continuous service for at least one year immediately before such date shall be deemed to be employees of the Calcutta Primary School Council and the terms and conditions of their service shall be such as may be determined by the State Govt.

S.65 (1) Omitted 36(a)

(2) With effect from such date as may be fixed by the State Government by notification—

a) such primary schools in a municipal area in a district as may be mentioned in the notification in consultation with the Commissioners of such mu-

municipal area together with their lands, buildings and other properties, movable or immovable, vested in or under the control of the Commissioners of such municipal area immediately before such date, shall stand transferred to the Primary School Council established for the district, 36(b)

b) the primary schools referred to in clause (a) shall be under the control and management of the Primary School Council established for such district,

c) teachers of such primary schools who are employed against permanent vacancies and are in continuous service for at least one year immediately before such date shall be deemed to be employees of the Primary School Council established for the district and the terms and conditions of their service shall be such as may be determined by the State Government.

S.66 Transfer of primary school under scheme sanctioned under West Bengal Act XXVIII of 1963-

(1) Notwithstanding anything contained in section 65, all primary schools in a municipal area under scheme sanctioned under the West Bengal Urban Primary Education Act, 1963 shall, with effect from such date as may be fixed by the State Government by notification together with their lands, buildings and other properties, movable or immovable, vested in or under the control of the Councillors of such municipal area immediately before such date, stand transferred to and all teachers and other staff employed in such primary schools and continuing in office immediately before such date shall be deemed to be employed by— 37(a)

a) Omitted, 37(b)

b) the Primary School Council established for the district, 37(c)

(2) The terms and conditions of service of such teachers and other staff shall be such as may be determined by the State Government.

Committees of the Primary School Council

S.67 Committees—

(1) As soon as may be after a Primary School Council is established it shall constitute the following Committees, namely—

- a) Omitted, 37A
- b) the Staff Selection Committee,
- c) the Finance Committee,
- d) the Discipline Committee,
- e) the Appeal Committee,
- f) the Development Committee.

(2) The constitution, powers and functions of a Committee shall be such as may be prescribed.

S.68 Power to constitute Committees—

(1) A Primary School Council may, with the approval of the State Government and subject to such directions as the State Government may issue in this behalf, constitute such other Committee or Committees as it may think fit and any such Committee may be composed wholly or in part of members of the Primary School Council.

(2) A Primary School Council may, with the approval of the State Government, delegate to any such Committee any of its powers and functions and may in like manner withdraw from it any such power or function.

(3) A Primary School Council may, with the approval of the State Government, dissolve any of the Committees referred to in sub-section (1) of section 67 or constituted under sub-section (1) of this section.

Finance and Audit**S.69 . Budget—**

(1) Every Primary School Council shall in each year prepare in the prescribed form a budget estimate of income and expenditure of the Primary School Council for the ensuing financial year, and shall submit the budget estimate to the Director through the Board on or before the thirtieth day of November. 38(a)

(2) Director may either approve of the budget estimate as it stands, or approve of it after making such alterations, if any, as it may think fit or may cause it to be returned to the Primary School Council for such modifications as the Director may think necessary, and when such modifications have been made, the budget estimate shall be re-submitted for approval to the Director. 38(a)

(3) Omitted. 38(b)

S.70 Primary School Council Fund—

(1) Every Primary School Council shall have a fund to be called the Primary School Council Fund to which shall be credited—

a) all sums granted by the State Government or the Board for the payment of grants for primary education ;

b) all sums granted by the State Government or the Board for the maintenance of primary school and for payment to the teachers and other staff in primary schools;

c) all sums granted by the State Government or the Board for scholarships for children in primary schools ;

d) the proceeds of the education cess levied under this Act within its areas ;

e) all sums representing income from endowments or from property owned or managed by the Primary School Council ;

f) the amount of all fines and penalties imposed under this Act other than fines and penalties levied by Magistrates ;

g) all school fees and fines, if any, collected in primary schools maintained by the Primary School Council, and

h) all other sums received by the Primary School Council from any other sources whatsoever ;

(2) The fund shall vest in the Primary School Council, shall be under its control and shall be held by it in trust for the purposes of this Act.

S.71 Application of the Primary School Council Fund-

No expenditure shall be incurred from the Primary School Council Fund unless such expenditure is provided for in the budget as approved under this Act or by reappropriation sanctioned in the prescribed manner.

S.72 Expenditure from Primary School council Fund-

Except as otherwise provided in this Act, the Primary School Council Fund shall be applied in connection with the following objects and in the following order, namely-

first, payment of interest upon any loan obtained by the Primary School Council for any of the purposes connected with this Act and for the formation of a sinking fund when required ;

secondly, payment of the prescribed percentage of the cost of the establishment maintained by the Collector under section 91 of the Cess Act, 1880 ;

thirdly, payment of the cost of audit ;

fourthly, payment of the salaries, allowances and all other expenses in connection with the establishment of the Primary School Council and all teachers in primary schools, and subject to the prescribed conditions, of pensions, family pensions, gratuities and grants made for submitting contribution to the provident fund in connection with the establishment of the Primary School Council and of teachers in primary schools ;

fifthly, payment of travelling allowance to members of the Primary School Council ;

sixthly, payment of expenses incurred by the Primary School Council in connection with the construction and maintenance of houses for primary schools and providing equipments to such schools ;

seventhly, carrying out any other purposes under this Act.

S.73 Accounts—

Every Primary School Council shall keep an account of all its receipts and expenditure in the manner prescribed.

S.74 Audit—

(1) The accounts of every Primary School Council shall be examined and audited annually in such manner as may be prescribed by an auditor or auditors appointed by the State Government.

(2) The provisions of section 35 and section 36 shall apply mutatis mutandis in respect to the audit of the accounts of every Primary School Council.

(3) The State Government may by an order appoint an officer to examine the accounts of a Primary School Council for any period and the Primary School Council and its members and officers and other staff shall afford to the officer every facility for the examination of the accounts as may be required by him in terms of the order of the State Government.

PART—IV

CHAPTER—IX

Contributions

S.75 Contribution from State revenues—

The State Government shall every year provide such sum from the State revenue as it may think fit for expenditure on primary education.

S.76 Contributions from Calcutta Municipal Corporation and Municipalities— 39

Notwithstanding anything contained in any law for the time being in force, the Calcutta Municipal Corporation shall pay to the Primary School Council established for Calcutta and the municipal authority of a municipal area shall pay to the Primary School Council established for the municipal area, in each year in the prescribed manner an amount equal to the amount spent by them on primary education during the year immediately preceding the year in which this Act comes into force in Calcutta or in such Municipality, as the case may be,

Explanation—

In this section "municipal authority" shall mean—

- (i) the Municipality referred to in clause (a) of section 12 or the Notified Area Authority referred to in section 379 of the West Bengal Municipal Act, 1993 or
- (ii) the Corporation referred to in—
 - a) clause (a) of section 3 of the Howrah Municipal Corporation Act, 1980, or
 - b) clause (a) of section 3 of the Calcutta Municipal Corporation Act, 1980, or
 - c) clause (a) of section 3 of the Siliguri Municipal Corporation Act, 1990, or
 - d) clause (a) of section 3 of the Asansol Municipal Corporation Act, 1990, or
 - e) clause (a) of section 3 of the Chandernagore Municipal Corporation Act, 1990, or
 - f) clause (l) of section 2, read with section 4, of the Durgapur Municipal Corporation Act, 1994.

CHAPTER—X
Taxes and Cesses

S.77 Tax on property—

(1) For the purpose of providing resources for promoting primary education the State Government may impose a tax on property within Calcutta and other municipal areas. 39A(a)

(2) The tax referred to in sub-section (1) shall be imposed—

a) in Calcutta, on lands and buildings at a rate not exceeding three per cent of the annual value of the lands and buildings determined under the Calcutta Municipal Corporation Act, 1980, for the purpose of assessment of the consolidated rates, 39A(b)

and

b) in any other municipal area, on the holding at a rate not exceeding three percent of the annual value of the holdings or lands and buildings determined under the law applicable to municipal area for the purposes of assessment of rates. 39A(b)

(3) The tax referred to in sub-section (1) shall be levied and collected in such manner as may be prescribed.

S.78 Education cess—

(1) All immovable properties in which road and public works cesses are assessed according to the provisions of the Cess Act, 1880, shall be liable to the payment of education cess.

(2) The rate of the education cess shall be determined by the State Government by notification and shall not exceed—

a) in respect of lands, ten paise on each rupee of the annual value thereof,

b) in respect of coal mines, fifty paise on each tonne of coal on the annual despatches therefrom,

c) in respect of quarries and mines other than coal mines twelve paise on each rupee of the annual net profit thereof.

(3) The proceeds of the education cess in each district shall be paid by the Collector into the Primary School Council Fund established for the district.

(4) The provisions of the Cess act, 1880 shall apply as far as possible to the assessment, levy and recovery of the education cess.

Note : Section 78 has come into force in the whole of West Bengal with effect from 1.4.81 vide Notification No. 227-Edn. (P) 1A-2/81 dated 27.3.1981.

CHAPTER—XI

Free and Compulsory Primary Education

S.79 Preparation of scheme—

Every Primary School Council shall prepare, in accordance with such directions as may be given by the Director in this behalf, a scheme for the entire area within the jurisdiction of the Primary School Council or any part thereof to provide compulsory primary education for children ordinarily resident within such area and shall submit the scheme to the Board which shall send it with its observations to the Director within such time as may be specified by him.

S.80 Particulars of scheme—

The scheme referred to in section 79 shall be in such form as may be prescribed and shall contain the following particulars, namely—

a) the area in which primary education shall be compulsory with population ascertained at the last preceding census,

b) the approximate number of children in such area classified according to age, sex and mother tongue,

c) a list showing therein the number of existing primary schools classified according to the lan-

guage in which instruction is given in such schools, the location of such school and the number of teachers and students in each such school and the accommodation available for enrolment therein,

d) a list showing therein the number of new primary schools proposed to be opened classified according to the language in which instruction is proposed to be given in such schools, the location of the proposed schools, the number of teachers and other staff that would be required and the accommodation that would be available in such schools,

e) the recurring and non-recurring expenditure of the scheme,

f) a sketch map of the area to be covered by the scheme indicating therein the area of each thana or ward, location of existing primary schools and of the proposed new primary schools,

g) such other particulars as may be prescribed.

S.81 Sanction of State Government to the scheme—

(1) The State Government may, after such enquiry as it may consider necessary, sanction with or without modification the scheme submitted under section 79 and the scheme so sanctioned shall be published by notification and shall come into force from such date as may be specified by the State Government in the notification.

(2) Every scheme of free and compulsory education sanctioned under the West Bengal Urban Primary Education Act, 1963, and in force in any area immediately before the coming into force of this Act in such area shall, unless otherwise directed by the State Government, be deemed to be a scheme sanctioned under this Act.

S.82 Modification, etc., of sanctioned scheme—

(1) A scheme sanctioned under section 81 may, from time to time, be modified by the State Government or, with the approval of the State Government, by the Primary School Council having jurisdiction over the area covered by

the scheme and when a scheme is so modified, the modified scheme with reasons for making the modification shall be published by notification.

(2) The State Government may by order in writing stating the reason for so doing temporarily suspend a sanctioned scheme.

(3) When a sanctioned scheme is temporarily suspended by an order under sub-section (2) the State Government shall give the Primary School Council concerned an opportunity of stating its views on the order and after considering the views of the Primary School Council the State Government, may revoke the order temporarily suspending the scheme or withdraw the scheme and direct the Primary School Council to prepare a fresh scheme.

S.83 Primary education to be free—

(1) When a scheme sanctioned by the State Government comes into force in any area no fee shall be charged in respect of any child attending a primary school in such area managed or aided by the Primary School Council.

(2) *Primary education shall continue to be compulsory and no fee shall be charged by any primary school under public management in the area in which primary education was declared compulsory under the Bengal (Rural) Primary Education Act, 1930.*

S.84 List of children—

(1) It shall be the duty of a Primary School Council to cause to be prepared, within a period of three months from the date of coming into force of a scheme and in such manner as may be prescribed, a list of children in the area covered by the scheme and the Primary School Council shall cause the list to be revised at such interval as may be prescribed.

(2) The State Government may, by order, extend the period for the preparation of the list referred to in sub-section (1).

(3) It shall be the duty of the teachers and other staff of all primary schools managed or aided by the Primary

School Council to assist in the preparation or revision of the list referred to in sub-section (1) in the manner indicated by the Primary School Council. The Primary School Council may, with the approval of the State Government, also appoint other persons including Inspecting Officers and other employees of the State Government including teachers for the preparation or revision of such list.

S.85 Welfare Committee—

(1) There shall be a Welfare Committee for each primary school. The Welfare Committee shall be constituted by the Primary School Council and shall consist of the following members, namely—

- a) the head teacher of the primary school,
- b) one assistant teacher of the primary school elected by the teachers other than the head teacher thereof from amongst themselves,
- c) four guardians elected in the prescribed manner by guardians of the students reading in the primary school from amongst themselves,
- d) one person interested in education nominated by the Primary School Council concerned, and
- e) where the primary school is situated within the jurisdiction of—
 - i) a Gram Panchayat, one person elected in the prescribed manner by the members of such Gram Panchayat from amongst themselves,
 - ii) a municipal authority, one person elected in the prescribed manner by the municipal authority from amongst the persons residing within a distance of sixteen hundred metres from the premises of the school, 39B(a)

Explanation—

In this clause, the expression "municipal authority" shall have the same meaning as in section 76. 39B(b)

(2) There shall be a Chairman and a Secretary of the Welfare Committee elected from amongst the members referred to in clause (c), (d) and (e) of sub-section (1).

(3) The head teacher of the school concerned shall be the Assistant Secretary of the Welfare Committee.

(4) If a Welfare committee is not formed within six months from the date on which the Act comes into force in any area in which the primary school is situated, the Primary School Council shall appoint an ad-hoc Welfare committee with four nominated guardians and the head teacher as members. Such ad-hoc Committee shall function until a Welfare Committee is formed in the manner laid down in sub-section (1).

(5) The Welfare Committee shall hold office for a term of four years.

(6) It shall be the duty of the Welfare committee to advise on matters relating to the administration, development and improvement of the school, promotion of cordial relationship among guardians, teachers and students, the health of the students, books and the meals, if any, to be supplied in such school.

(7) The Welfare Committee shall perform such other functions and discharge such other duties as are mentioned in this Act or as may be prescribed.

(8) The Welfare Committee shall perform its functions and discharge its duties under the supervision and control of the Primary School Council.

(9) The Primary School Council shall have the power to dissolve any Welfare Committee if it so thinks fit and appoint an ad-hoc Welfare Committee in its place in the same manner as laid down in sub-section (4) which shall function until a new Committee is constituted under sub-section(1).

S.86 Guardians to furnish information—

Any person engaged in the preparation or revision of the list referred to in section 84 or any member of the Welfare Committee may put such question to any guardian or require any guardian to furnish such information about his child as such person or such member may consider necessary and such guardian shall be bound to answer such question or to furnish such information, as the case may be to the best of his knowledge and belief.

S.87 Duty of guardian to send his child to a primary school—

(1) In any area where a scheme sanctioned by the State Government comes into force it shall be the duty of the guardian of every child residing within such area to cause the child to attend a primary school, unless, in the opinion of the Welfare Committee, there is a reasonable excuse for non-attendance of the child.

(2) Any of the following circumstances shall be deemed to be a reasonable excuse within the meaning of this section, namely—

a) that there is no primary school within a distance of sixteen hundred metres from the residence of the child measured by the shortest route, which the child can attend,

b) that the child is prevented from attending the school by reason of sickness or infirmity or mental defect,

c) that the child is receiving education in some other manner declared to be satisfactory by the State Government or by an officer authorised by it in this behalf,

d) that the child has already completed primary education up to the class or standard available in any primary school situated within a distance of sixteen hundred metres from his residence,

dd) that the child belonging to a minority community, whether based on religion or language, is receiving education in an educational institution established and administered by the minority community and standard of education in the educational institution is considered to be satisfactory by the State Government. 40

e) such other circumstances as may be prescribed.

S.88 Attendance order—

(1) Whenever the Welfare Committee has reason to believe that the guardian of a child has failed to cause the

child to attend a primary school without any reasonable excuse within the meaning of sub-section (2) of section 87 it shall, after causing such enquiry as it considers necessary, make an order directing the guardian to cause such child to attend a primary school on and from the date specified in the order.

(2) A guardian aggrieved by an order under sub-section (1) may, within thirty days from the date of the order, appeal in the prescribed manner to the District Inspector of Schools (Primary Education) who may confirm or rescind the order. 41

S.89 Penalty for failure to obey order for causing attendance of a child in a primary school—

(1) Any guardian who fails to comply with an order passed under sub-section (1) of section 88, unless such order is rescinded in an appeal made under sub-section (2) of that section, shall, on conviction before a Magistrate, be liable to a fine not exceeding twenty rupees, and if so ordered also a recurring fine not exceeding one rupee for each day after the first during which he continues to so offend.

S.90 Cognisance of offence—

No Magistrate shall take cognisance of any offence under this Chapter except on the complaint of an officer of the State Government not below the rank of an Assistant Inspector of Schools authorised by the State Government in this behalf.

PART—VI

CHAPTER—XII

Tribunal

S.91 Tribunal—

(1) There shall be a Tribunal which shall consist of a person who is or has been a judicial officer, not below the rank of a Subordinate Judge, appointed by the State Government.

(2) The Tribunal shall decide—

- i) every appeal filed by a teacher or a member of the non-teaching staff of a Primary School or an employee of a Primary School against the decision

of the Appeal Committee constituted under section 67, in cases where the punishment awarded is dismissal, removal or reduction in rank or such other punishment as may be prescribed, 42 and

ii) every dispute concerning,—

- a) the eligibility of any person for election as a member of the Board or any Primary School Council or any Committee of the Board or the Primary School Council under this Act, or
- b) the manner in which such election was held, or
- c) the qualification of any member of the Board or any Primary School Council or any Committee of the Board or the Primary School Council, to continue as such member.

S.92 Procedure to be followed by a Tribunal—

(1) The time within which an appeal shall be filed or a dispute shall be referred under section 91 and the procedure to be followed by the Tribunal in deciding such appeal or dispute shall be such as may be prescribed.

(2) The decision of the Tribunal under sub-section (2) of section 91 shall be final and no suit or proceeding shall lie in any court in respect of any matter which has been or may be referred to or has been decided by the Tribunal.

CHAPTER—XIII

Transitional provisions

S.93 Ad-hoc Cmmittee to discharge the functions of Primary School Council until it is established— 43(a)

(1) Upon the appeal of the enactments referred to in sub-section (1) of section 105 and until a Primary School Council is established for any area, the State Government shall, by notification, appoint, for such period not exceeding one year at a time as may be specified in the notification, an ad-hoc committee consisting of such number of members as the State Government may think fit to appoint which shall exercise, perform and discharge in relation to such area, all

the powers, functions and duties of a Primary School Council under this Act, 43(b)

Provided that the ad-hoc committee appointed in relation to any area shall vacate its office on the establishment of the Primary School Council for such area. 43(b)

(2) All things done and all actions taken by the adhoc committee under sub-section (1) shall be deemed to have been done or taken by the Primary School Council as if the Primary School Council was established. 43(c)

S.94 Matter to be provided by regulation may be provided by orders of State Government—

Every matter or thing required to be provided by rules and regulations under this Act may, until such rules and regulations are made, be provided by orders made by the State Government in this behalf. 44

S.95 Provisions for removing difficulty—

If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing such difficulty.

S.96 Filling of vacancy when a member ceases to be a member of the category electing him—

If any member of the Board, any Primary School Council or any Committee constituted under this Act elected, nominated or appointed thereto from a particular category ceases to be a member of such category, he shall, with effect from the date he ceases to be a member of such category, automatically cease to be a member of the Board, such Primary School Council or such Committee, as the case may be.

S.97 Appointment when electing body is superseded—

If any elected body from which a member is to be elected, appointed or nominated to the Board, any Primary School Council or any Committee constituted under this Act, stands superseded and it is not possible to elect, nominate or appoint the member from such elected body,

the Administrator or the executive officer of such elected body shall be the ex-officio member of the Board, Primary School Council or the Committee, as the case may be. He shall cease to be such member as soon as the elected body is reconstituted and the election is held or the appointment or nomination, as the case may be, is made.

S.98 [Omitted] 45

CHAPTER—XIV

Miscellaneous

S.99 Power of State Government to suspend proceedings—

(1) The State Government may, by an order in writing specifying the reasons thereof, temporarily suspend the execution of any resolution or order of the Board or a Primary School Council or of any Committee of the Board or the Primary School Council or temporarily prohibit the doing of any act by it which is purported or intended to be done under this Act, if the State Government is of opinion that such resolution, order or act is in excess of the powers conferred by or under this Act, upon the Board, the Primary School Council or the Committee, as the case may be.

(2) When any order is made under sub-section (1), the State Government shall give the Board, the Primary School Council or the Committee of the Board or the Primary School Council an opportunity to express its views on such order and after considering the views of the Board, the Primary School Council or the Committee, as the case may be, revoke or confirm such order.

S.100 Enquiry into the affairs of the Board and the Primary School Council—

(1) The State Government may, from time to time cause enquiry to be made by any person in regard to the Board or a Primary School Council on matters connected with primary education or any matter with respect to which the sanction, approval, consent or order of the State Government is required by or under this Act.

(2) The person holding such enquiry shall have the powers of a Civil Court under the Code of Civil Procedure, 1908, to take evidence and to compel the attendance of witness and the production of documents for the purpose of enquiry.

(3) The State Government may make orders as to the cost of enquiry made under sub-section (1) and as to the party by whom and the funds out of which such costs shall be paid and such orders may on the application of the State Government or the person named therein be executed as if it were a decree of a Civil Court.

S.101 Certain persons to be deemed to be public servants—

The members of the Board, the Primary School Councils, or the Committees of the Board or the Primary School Councils, persons in the service of the Board, the Primary School Councils or such Committees and any person appointed under this Act to audit the accounts of the Board or of a Primary School Council or to perform any other duties under this Act or the rules and regulations made thereunder shall be deemed, when acting or purporting to act in the discharge of their duties or the exercise of their powers under this Act or under the rules and regulations made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code.

S.102 Indemnity—

No suit, prosecution or other legal proceeding whatsoever shall lie against any person for anything in good faith done or intended to be done under this Act.

S.103 Savings—

No act or proceeding taken under this Act by the Board or a Primary School Council or a Committee of the Board or the Primary School Council shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.

S.104 Delegation—

(1) The State Government may by notification delegate, subject to such conditions as it may specify, all or any

of its powers under this Act to any officer or authority subordinate to it.

(2) Nothing in sub-section (1) shall derogate from the right of the State Government to exercise any of the powers delegated by it under that sub-section.

S.105 Repeal and continuance—

(1) The Bengal (Rural) Primary Education Act, 1930, the West Bengal Urban Primary Education Act, 1963, and the West Bengal (Rural) Primary Education (Temporary Provisions) Act, 1969, are hereby repealed.

(2) Upon such repeal

a) all properties and assets vested in the District School Board established for a district shall vest in, and all rights, liabilities and obligations acquired or incurred by such District School Board before such repeal shall stand transferred to, the Primary School Council established for the District,

Provided that until such Primary School Council is established such properties and assets shall be deemed to be vested in, and such rights, liabilities and obligations shall be deemed to be transferred to the adhoc committee appointed under section 93 in relation to the district, 46(a)

b) all legal proceedings instituted or remedies enforceable by or against the District School Board established for a district before such repeal may be continued or enforced, as the case may be, by or against the Primary School Council established for the district and until such Primary School Council is established, by or against the ad-hoc committee appointed under section 93 in relation to the district, 46(b)

c) all officers, teachers and other staff of primary schools employed by the District School Board established for a district and continuing in office or primary schools immediately before such repeal shall be deemed to be employed by the Primary School Council established for the district on such

terms and conditions as may be determined by the State Government,

Provided that until such Primary School Council is established such officers and other persons shall be deemed to be employed by the adhoc Committee appointed under section 93 in relation to the district. 46(c)

(3) All primary schools recognised under the Bengal (Rural) Primary Education Act, 1930 or the West Bengal Unban Primary Education Act, 1963 and all primary schools under private ownership which receive salary for the approved teachers from the State fund and which were recognised by the competent authorities in terms of the orders issued by the Education Department or the Director of Public Instruction from time to time otherwise than the provisions of the said repealed Acts, shall continue to be recognised under this Act until the expiration of the period of recognition subject, however, to the power of the Primary School Council having jurisdiction to withdraw recognition in accordance with the provisions of this Act. 46(d)

(4) Notwithstanding the repeal of the Bengal (Rural) Primary Education Act, 1930, all rules, orders and notifications made or issued from time to time under the said Act, applicable to a District School Board and continuing in force immediately before such repeal shall continue in force in so far as they are not inconsistent with the provisions of this Act, until they are repealed or amended.

S.106 Power of the State Government to make rules—

(1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act. 47

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters :—

a) the manner of election of the members of the Board referred to in clauses (c), (d), (e), (f), (g), (h) and (i) of section 4,

- b) the allowances, and the rates of allowances, referred to in section 18,
- c) the form of the budget estimate of the Board referred to in sub-section (1) of section 30,
- d) the manner of keeping an account of the Board referred to in section 34, and the manner of examination and audit of accounts of the Board referred to in sub-section (1) of section 35,
- e) the manner of election of the members of the District Primary School Council referred to in clauses (d), (e), (f), (g) and (h) of sub-section (2) of section 37 and clauses (c), (d), (g), (gg) and (ggg) of sub-section (2) of section 38,
- f) the form of the budget estimate of the Primary School Council referred to in sub-section (1) of section 69,
- g) the manner of reappropriation to be sanctioned under Section 71, the manner of keeping an account of a Primary School Council referred to in section 73 and the manner of examination and audit of accounts of a Primary School Council referred to in section 74,
- h) the manner in which the tax referred to in section 77 shall be levied and collected,
- i) the form of the scheme referred to in, and the particulars referred to in clause (g) of section 80,
- j) the time of filing an appeal or referring a dispute, and the procedure to be followed by the Tribunal referred to in sub-section (1) of section 92,
- k) any other matter which may be, or is required to be, prescribed.

S.107 Power of State Government to issue notification or order in place of making rules—

Notwithstanding anything contained in section 106 or elsewhere in this Act, the State Government may—

- a) issue any notification or order for carrying out any of the purposes of this Act for which that

Government does not consider it necessary to make rules, or

b) issue any notification or order, not inconsistent with the provisions of this Act, in place of making rules under this Act if that Government considers it necessary so to do.

APPENDIX

List of the Acts amending the West Bengal Primary Education Act, 1973 (upto July 1997)

Sl. No. (1)	Sections of the Principle Act amended. (2)	Acts amending various sections of the Principal Act. (3)
1. Section 1		1. Substituted by Primary Education (Amendment) Act, 1987.
2. Section 2		2.
a) Clause (iii)		a) Substituted by section 2 of the West Bengal Primary Education (Amendment) Act, 1994.
b) Clause (v) of section 2		b) Substituted by section 2 of the West Bengal Primary Education (Amendment) Act, 1985.
c) Clause (via) of section 2		c) Inserted by section 2 of the West Bengal Primary Education (Amendment) Act, 1980.
d) Clause (viiia)		d) Inserted by section 2 of the West Bengal Primary Education (Amendment) Act, 1980.
i) Sub-clause (a) of clause (viiia)		i) Amended by section 2 of the West Bengal Primary Education (Amendment) Act, 1994.
ii) Sub-clause (c) of clause (viiia)		ii) Amended by section 2 ibid
e) Clause (x)		e) Substituted by section 2 of the West Bengal Primary Education (Amendment) Act, 1988.
f) Clause (xi)		f) Amended by section 2 of the West Bengal Primary Education (Amendment) Act, 1994.
g) Clause (xiii)		g) Amended by section 2 of the West Bengal Primary Education (Amendment) Act, 1987.

(1)

(2)

(3)

h) Clause (xiv)

i) Clauses (xvii) & (xviii)

j) Clause (xix)

k) Clause (xx)

l) Clause (xxia)

m) Clause (xxia)

n) Clauses (xxiii) & (xxiv)

3. Section 4

a) Clause (a)

b) Clauses (b), (c), (j) & j(i)

c) Clause (g)

h) Omitted by the West Bengal Primary Education (Amendment) Act, 1980.

i) Substituted by section 2 of the West Bengal Primary Education (Amendment) Act, 1996.

j) Amended by section 2 of the West Bengal Primary Education (Amendment) Act, 1988.

k) Amended by section 2 of the West Bengal Primary Education (Amendment) Act, 1996.

l) Inserted by section 2 of the West Bengal Primary Education (Amendment) Act, 1983 and thereafter amended by section 2 of the West Bengal Primary Education (Amendment) Act, 1994.

m) Inserted by section 2 of the West Bengal Primary Education (Amendment) Act, 1997.

n) Omitted by section 2 of the West Bengal Primary Education (Amendment) Act, 1994.

3. Substituted by section 3 of the West Bengal Primary Education (Amendment) Act, 1980.

a) Substituted by section 3 of the West Bengal Primary Education (Amendment) Act, 1994 and a new clause viz. (aa) inserted,

b) Amended by section 3 ibid

c) Amended by section 3 of the West Bengal Primary Education (Amendment) Act, 1997.

- | (1) | (2) | (3) |
|--|-------------------------------------|---|
| | d) Sub- clause (x)
of clause (j) | d) Inserted by section 3 of the West Bengal Primary Education (Amendment) Act, 1988 and thereafter substituted by Section 3 of the West Bengal Primary Education (Amendment) Act, 1994. |
| 4. Section 5
Proviso of
Sub-section (1) | | 4. Amended by section 4 of the West Bengal Primary Education (Amendment) Act, 1980. |
| 5. Section 6 | | 5. Amended by section 4 of the West Bengal Primary Education (Amendment) Act, 1994. |
| 6. Section 8 | | 6. Amended by section 5 <i>ibid</i> . |
| 7. Section 9
a) Sub-section (1)
and (2)
b) Sub-section (3)
c) Sub-section (5) | | 7. Amended by section 6 <i>ibid</i> .
a) Substituted by section 6 <i>ibid</i> .
b) Amended by section 6 <i>ibid</i> .
c) Omitted by section 6 <i>ibid</i> . |
| 8. Section 10 | | 8. Omitted by section 7 <i>ibid</i> . |
| 9. Section 11
a) Sub-section (1)
b) Sub-section (2)
c) Sub-section (3) | | 9. a) Substituted by section 8 <i>ibid</i> .
b) Omitted by section 8 <i>ibid</i> .
c) Amended by section 8 <i>ibid</i> . |
| 10. Section 15
Sub-section (1) | | 10. Amended by section 9 <i>ibid</i> . |
| 11. Section 16
Sub-section (2) | | 11. Amended by section 10 <i>ibid</i> . |

(1)

(2)

(3)

12. Section 18A

12. Inserted by section 3 of the West Bengal Primary Education (Amendment) Act, 1987 and thereafter sub-section (1) of section 18A amended by section 2 of the West Bengal Primary Education (Amendment) Act, 1991.

13. Section 19

a) Clause (j) of sub-section (1)

b) Clause (kk) of sub-section (1)

c) Clause (d) of sub-section (1)

d) Clause (qq) of sub-section (1)

13. a) Amended by section 5 of the West Bengal Primary Education (Amendment) Act, 1980.

b) Inserted by section 4 of the West Bengal Primary Education (Amendment) Act, 1987.

c) Omitted by section 4 of the West Bengal Primary Education (Amendment) Act, 1997.

(d) Inserted by section 5 of the West Bengal Primary Education (Amendment) Act, 1980.

14. Section 21

14. Omitted by section 11 of the West Bengal Primary Education (Amendment) Act, 1994.

15. Section 23

a) Clause (b) of sub-section (1)

b) Clause (c) of sub-section (1)

c) Clause (d) of sub-section (1)

15.

a) Amended by section 12 *ibid*.

b) Substituted by section 12 *ibid*

c) Amended by section 6 of the West Bengal Primary Education (Amendment) Act, 1980.

(1)

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(3)

- d) Clause (h) of
sub-section (1)

d) Amended by section 6
of the West Bengal Primary
Education (Amendment)
Act, 1980.

16. Section 24

16.

- a) Clause (b) & (c)
of sub-section (1)

a) Amended by section
13 of the West Bengal Pri-
mary Education (Amend-
ment) Act, 1994.

- b) Clauses (d) & (f)
of sub-section (1)

b) Omitted by section 13
ibid.

- c) Clauses (j)
of sub-section (1)

c) Amended by section 7
of the West Bengal Primary
Education (Amendment)
Act, 1980

17. Section 25

Clauses (e), (f), (g), (h)
& (i) of sub-section (1)

17. Amended by section 8 ibid.

18. Section 30

Sub-section (7)

18. Omitted by section 5 of the
West Bengal Primary
Education (Amendment)
Act, 1987.

19. Section 32

Sub-section (3)

19. Amended by section 14 of
the West Bengal Primary
Education (Amendment)
Act, 1994

20. Section 37

- a) Sub-section (1)
of section 37

20. a) Amended by section
9 of the West Bengal Pri-
mary Education (Amend
ment) Act, 1980 and by
section 4 of the West Ben-
gal Primary Education
(Amendment) Act, 1988
and the proviso thereto
inserted by section 4 ibid.

- b) Clause (d), (e), (f),
(h) & (j) of
sub-section (2)

- c) Clause (g) & provisio
to clause (h) of
sub-section (2)

- d) Clause (i) and provisio
to clause (i) of
sub-section (2)

- e) Clause (k) of
sub-section (2)

Sub-section (1) further
amended by section 5
of the West Bengal Primary
Education (Amendment)
Act, 1997.

- b) Amended by section 9
of the West Bengal Pri-
mary Education (Amend-
ment) Act, 1980 & clause
(j) substituted by section 9
ibid and clause (e) further
amended by section 5 of
the West Bengal Primary
Education (Amendment)
Act, 1997.

- c) Amended by section
9 of the West Bengal Pri-
mary Education (Amend-
ment) Act, 1980 & by sec-
tion 15 of the West Bengal
Primary Education
(Amendment) Act, 1994
and the proviso to clause
(h) omitted by section 5 of
the West Bengal Primary
Education (Amendment)
Act, 1997.

- d) Substituted by section
5 of the West Bengal Pri-
mary Education (Amend-
ment Act, 1997 and the
proviso omitted by section
4 of the West Bengal Pri-
mary Education (Amend-
ment) Act, 1988.

- e) Inserted by section 15
of the West Bengal Primary
Education (Amendment)
Act, 1994.

(1)

(2)

f) Sub-section (2A)

g) Sub-section (3)

21. Section 38

a) Clause (aa) &
Clause (aaa) of
sub-section (2)

b) Clause (c) & (d)
sub-section (2)

c) Clause (e) & (f)
sub-section (2)

d) Clauses (g), (gg),
(ggg), h(iii) &
h(iv) of sub-section (2)

e) Clause (i) of
sub-section (2)

22. Section 39

(3)

f) Inserted by section 5
of the West Bengal Pri-
mary Education (Amend-
ment) Act, 1997.

g) Amended by section 5
ibid.

a) Inserted by section 10
of the West Bengal Pri-
mary Education (Amend-
ment) Act, 1980 and there
after clause (aaa) amended
by section 16 of the West
Bengal Primary Education
(Amended) Act, 1994.

b) Substituted by section
10 of the West Bengal Pri
mary Education (Amended)
Act, 1980.

c) Omitted by section 10
of the West Bengal Primary
Education (Amendment)
Act, 1980.

d) Substituted by section
10 of the West Bengal
Primary Education
(Amendment) Act, 1980
and thereafter clauses (g)
& (gg) amended by section
16 of the West Bengal Pri
mary Education (Amend-
ment) Act, 1994.

e) Inserted by section 16
of the West Bengal Primary
Education (Amendment)
Act, 1994.

22. Omitted by section 11 of
the West Bengal Primary
Education (Amendment)
Act, 1980.

(1)

(2)

(3)

23. Section 40

Sub-section (1)

24. Section 41**25. Section 43****26. Section 44**

a) Marginal note and sub-section (1)

b) Sub-section (2)

c) Sub-section (3)

d) Sub-section (4) of section 44

e) Sub-section (5)

27. Section 45**28. Section 46**

a) Sub-section (1)

b) Sub-section (2)

c) Sub-section (3)

29. Section 50

Sub-section (1)

23. Amended by section 12
ibid.24. Amended by section 13 of
the West Bengal Primary
Education (Amendment)
Act, 1980 and by section
17 of the West Bengal Pri-
mary Education (Amend-
ment) Act, 1994.25. Amended by section 14 of
the West Bengal Primary
Education (Amendment)
Act, 1980 and by section
18 of the West Bengal Pri-
mary Education (Amend-
ment) Act, 1994.

26.

a) Amended by clauses (a)
& (b) of section 19 of the
W. B. Primary Education
(Amendment) Act, 1994.b) Substituted by clause
(c) of section 19 ibid.c) Amended by clause (d)
of section 19 ibid.d) Amended by clause (e)
of section 19 ibid.e) Omitted by clause (f)
of section 19 ibid.

27. Omitted by section 20 ibid.

28. a) Substituted by clause
(a) of section 21 ibid.b) Omitted by clause (b)
of section 21 ibid.c) Amended by clause (c)
of section 21 ibid.29. Amended by clause (a) &
(b) of section 22 ibid.

- | (1) | (2) | (3) |
|-----------------------|---|---|
| 30. Section 51 | | |
| | Sub-section (2) | 30. Amended by section 23
ibid. |
| 31. Section 52 | | |
| | Clause (a) and proviso to clause (c) of sec. 52 | 31. Amendment by clauses (a) & (b) of section 24
ibid. |
| 32. Section 54 | | |
| | | 32. Omitted by section 75
ibid. |
| 33. Section 55 | | |
| | Sub-section (4) | 33. Amended by section 2 of the W. B. Primary Education (Amendment) Act, 1975. |
| 34. Section 60 | | |
| | a) Clause (kk) of sub-section (l) | 34. a) Inserted by section 15 of the W. B. Primary Education (Amendment) Act, 1980. |
| | b) Clause (l) of sub-section (l) | b) Substituted by sub-section (1) of section 3 of the W. B. Primary Education (Amendment) Act, 1996. |
| | c) Clause (ll) of sub-section (1) | c) Inserted by section 15 of the W. B. Primary Education (Amedment) Act, 1980 and thereafter substituted by sub-section (2) of section. 3 of the W. B. Primary Education (Amendment) Act, 1996. |
| 35. Section 64 | | |
| | a) Marginal note of section 64 | 35. a) Amended by clause (a) of section 26 of the W. B. Primary Education (Amendment) Act, 1994. |
| | b) Clause (a) of section 64 | b) Amended by clause (b) of section 26
ibid. |

(1)

(2)

(3)

36. Section 65

a) Sub-section (1)

b) Clause (a) of sub-section (2)

36. a) Omitted by section 16 of the W.B. Primary Education (Amendment) Act, 1980.

b) Amended by section 16 *ibid* and by section 6 of the W.B. Primary Education (Amendment) Act, 1997.

37. Section 66

a) Sub-section (1)

b) Clause (a) of section (1)

c) Clause (b) of sub-section (1)

a) Amended by section 7 of the W.B. Primary Education (Amendment) Act, 1997

b) Omitted by section 17 of the W. B. Primary Education (Amendment) Act, 1980.

c) Amended by section 17 *ibid*.

37A. Section 67

Clause (a) sub-section (1)

Omitted by section 8 of the W. B. Primary Education (Amendment) Act, 1997.

38. Section 69

a) Sub-sections (1) & (2)

b) Sub-section (3)

a) Amended by section 18 of the West Bengal Primary Education (Amendment) Act, 1980.

b) Omitted by the W. B. Primary Education (Amendment) Act, 1987.

39. Section 76

Marginal note and the section and the Explanation there-under

Amended by section 27 of the W. B. Primary Education (Amendment) Act, 1994 and by section 9 of the W. B. Primary Education (Amendment) Act, 1997.

(1) (2)

(3)

39A. Section 77

a) Sub-section (1)

a) Amended by section 10 of the W. B. Primary Education (Amendment) Act, 1997.

b) clauses (a) & (b) of sub-section (2)

b) Amended by section 10 *ibid.*

40. Section 87

Clause (dd) of sub-section (2)

Inserted by section 3 of the W. B. Primary Education (Amendment) Act, 1975.

41. Section 88

Sub-section (2)

Amended by section 19 of the W. B. Primary Education (Amendment) Act, 1980.

42. Section 91

Clause (i) of sub-section (2)

Amended by section 4 of the W. B. Primary Education (Amendment) Act, 1975.

43. Section 93

a) Marginal note

a) Amended by section 20 of W.B. Primary Education (Amendment) Act, 1980.

b) Sub-section (1) & proviso to sub-section (1)

b) Amended by section 20 *ibid.*

c) Sub-section (2)

c) Amended by section 20 *ibid.*

44. Section 94

Amended by section 21 *ibid.*

45. Section 98

Omitted by section 12 of the W. B. Primary Education (Amendment) Act, 1997.

(1)

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(3)

46. Section 105

a) Proviso to clause (a) of sub-section (2)

b) Clause (b) of sub-section (2) & proviso to clause (c) of sub-section (2)

c) Clause (c) of sub-section (2)

d) Sub-section (3)

a) Amended by section 23 of the W. B. Primary Education (Amendment) Act, 1980.

b) Amended by section 23 of the W. B. Primary Education (Amendment) Act, 1980.

c) Amended by section 13 of the W.B. Primary Education (Amendment) Act, 1997.

c) Amended by section 4 of the W.B. Primary Education (Amendment) 1996 and by section 13 of the W.B. Primary Education (Amendment) Act, 1997.

47. Section 106

Sub-section (2)

Substituted by section 5 *ibid.*

48. Section 107

Inserted by section 6 *ibid.*

GOVERNMENT OF WEST BENGAL
EDUCATION DEPARTMENT
Primary

NOTIFICATIONS

No. 1851-Edn (P)/1B-1/72 30th December 1974.

In pursuance of the provisions of sub-section (3) of section 1 of the West Bengal Primary Education Act, 1973 (West Ben. Act XLIII of 1973), the Governor is pleased hereby to appoint the 1st day of January 1975 as the date on which the provisions of all the sections of the said Act except sections 77, 78, 89 and 105 shall come into force in the whole of West Bengal.

By order of the Governor,
B.N. CHATTERJEE,
Jt. Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL
EDUCATION DEPARTMENT
Primary

*Published in the Calcutta Gazette, Extra-ordinary, Part I,
No. 236E, Dated Marct 27, 1981.*

NOTIFICATION

No. 227-Edn (P)/1A-2/81. 27 March, 1981.

In pursuance of the provisions of sub-section (3) of section 1 of the West Bengal Primary Education Act, 1973 (West Ben. Act XLIII of 1973), the Governor is pleased hereby to appoint the 1st day of April 1981 as the date on which the provisions of section 78 of the said Act shall come into force in the whole of West Bengal.

By order of the Governor,
B.N. CHATTERJEE,
Spl. Secy. to the Govt. of West Bengal.
W. B. PRIMARY EDUCATION ACT, 1973 3

GOVERNMENT OF WEST BENGAL

EDUCATION DEPARTMENT

Primary Branch

No. 323-Edn (P)

Dt. 30.6.1990.

NOTIFICATION

In exercise of the power conferred by sub-section (3) of section 1 of the West Bengal Primary Education Act, 1973 (West Ben. Act XLIII of 1973), the Governor is pleased hereby to appoint the 2nd day of July, 1990, as the date on which the provisions of the section 105 of the said Act shall come into force in the whole of West Bengal, except the areas comprising the Districts of North 24-Parganas and South 24-Parganas and the Hill Area as defined in the said Act.

Sd/-

Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL

EDUCATION DEPARTMENT

Primary Branch

No. 211-Edn (P)

Dt. 11.3.1994.

NOTIFICATION

In exercise of the power conferred by sub-section (3) of section 1 of the West Bengal Primary Education Act, 1973 (West Ben. Act XLIII of 1973), the Governor is pleased hereby to appoint the 11th day of March, 1994 as the date on which the provisions of the section 105 of the said Act shall come into force in the Districts of North 24-Parganas and South 24-Parganas.

Sd/-

Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL
EDUCATION DEPARTMENT
Primary Branch
NOTIFICATION

No. 768—Edn. (P) Date the 22nd November, 1991.

In exercise of the power conferred by sub-section (1) of section 106 of the West Bengal Primary Education Act, 1973 (West Ben. Act XLIII of 1973), the Governor, for the purposes of clause (k) of sub-section (1) of section 60 of the said Act, is pleased hereby to make, after previous publication as required by sub-section (1) of section 106 of the said Act, the following rules :—

RULES

CHAPTER—I

Preliminary

1. These rules may be called the Rules regulating the Recruitment and Leave of Teachers in Primary Schools in West Bengal.
2. Definitions—In these rules, unless there is anything repugnant in the subject or context,—
 - (a) "the Act" means the West Bengal Primary Education Act, 1973 ;
 - (b) "Appointment" means appointment of teachers of Primary Schools in the Primary schools in accordance with the provisions of the Act and the rules ;
 - (c) "Council" means a Primary School Council established under the Act ;
 - (d) "Board" means the West Bengal Board of Primary Education established under the Act ;
 - (e) "Director" means the Director of School Education, West Bengal ;
 - (f) "deputation" means deputation of teachers of primary schools to the training institute by the Council ;

(g) "employment exchange" means an employment exchange office of the concerned Revenue District under the Labour Department of the Government of West Bengal ;

(h) "Government" means the Government of West Bengal ;

(i) "head teacher" means the teacher of a Primary School appointed as Head Teacher of a primary school by the Council in accordance with these rules ;

(j) "primary school" means a school or a department of a school giving instruction in primary education established, and recognised under the Act, as a primary school, and includes a junior basic school ;

(k) "Panel" means a list of names of eligible and selected candidates for appointment as teacher in Primary Schools, prepared by the Council according to rules ;

(l) "rule" means any rule made under section 106 of the Act ;

(m) "Teacher" means a person who holds a teaching post in a primary school or in a Junior Basic school, appointed in the prescribed manner on a regular and full time basis, and is paid either wholly or in part from the funds under the control of the State Government in the Education Department ;

(n) "Trained candidate" means a candidate who has obtained a Junior Basic Training/Primary Teachers Training Certificate or equivalent issued under the authority of the Director or any other officer empowered in this behalf by the Government;

(o) "Vacancy" means vacant post of a Primary School teacher caused by (i) creation of a new post by the Council with prior sanction from the Government, (ii) retirement of a teacher, (iii) death of a

teacher, (iv) resignation tendered by a teacher and accepted by the Council, (v) removal or dismissal of a teacher or (iv) deputation of a teacher :

(p) "Superannuation" means superannuation of a Primary school teacher on completion of sixtieth year of his age.

CHAPTER—II

General

3. (a) Roll strength of a teacher. A Primary School under the jurisdiction of the Council shall ordinarily have one teacher for every forty pupils or part thereof, not being less than twenty. A second teacher may be admissible when the roll strength exceeds sixty only :

Provided that in a hilly, forested or other thinly populated areas, a primary school may, with the approval of the Director, be opened with one teacher for fifteen pupils.

(b) No post of a teacher under sub-rule (a) shall be created in any school without the recommendations of the District Inspector of School (Primary Education). But if by such creation of additional post, the total sanctioned strength of teachers of the Council is exceeded, prior approval of the Director shall have to be obtained.

(c) If, on the basis of a report from the District Inspector of Schools (Primary Education) a post of teacher in a Primary School is found to be in excess, compared to the number of pupils according to sub-rule (a), that excess post may be transferred by the Council to another Primary School, within its jurisdiction, having need for such post according to the number of pupils.

4. Creation of Posts.—The Council shall create posts of teachers as referred to in sub-rules (a) and (b) of rule 3, determine from time to time the number of vacancies in primary schools within its jurisdiction, and take steps to fill in the vacancies as and when necessary.

Selection and Appointment

(1) Teacher

5. Appointment Authority—

The Chairman of the respective Council shall be the appointing authority.

6. Qualifications—

(a) No person shall be appointed by the Council, as a teacher unless he satisfies the conditions ;

- (i) that he is a citizen of India ;
- (ii) that he is not below 18 years of age and above 40 years of age ; and
- (iii) that he possesses the minimum educational qualifications as mentioned in sub-rule (b)

(b) The required educational qualifications for the post of a teacher shall be—

(i) School Final/Madhyamik pass or equivalent, or

(ii) Higher Secondary (XI-Class) pass under the West Bengal Board of Secondary Education or equivalent,

(c) The decision of the State Government on the question of equivalence for the purpose of sub-rule (b) shall be final.

(d) No extra credit shall be given for higher academic qualification at the time of selection of a teacher :

Provided that a trained candidate shall be given extra credit in the manner prescribed under sub-rule (c) of rule 9.

(e) A trained candidate belonging to scheduled tribe category who have not passed Madhyamik examination or its equivalent shall be eligible for appointment as teacher in Primary School.

7. Staff selection committee—

(a) The Council shall constitute a Staff Selection Committee, as provided under section 67 of the Act, for the purpose of selection of eligible candidates and preparation of panel of such candidates for appointment to the post of teachers of Primary Schools under the jurisdiction of the Council.

(b) The Staff Selection Committee shall consist of eleven members, namely—

I. Four ex-officio members as follows :—

- (i) Chairman of the Council,
- (ii) Secretary of the Council,
- (iii) Special Officer of Scheduled Caste and Scheduled Tribes of the district,
- (iv) A representative of the District Magistrate ;

II. Other seven members shall be selected by the Council from amongst the members of the Council.

(c) The Chairman and the Secretary of the Council shall be the Chairman and the Convener of the Staff Selection Committee respectively.

(d) Any seven members of the Committee including the Chairman shall constitute a quorum.

(e) The Staff Selection Committee shall normally function for a period of two years from the date of its first meeting but the Council may, during the said period, reconstitute the Committee for good and sufficient reasons to be recorded in writing. Any member of the Committee other than any ex-officio member, may resign with one month's notice to the Chairman. Similarly, the Council may remove any member, other than any *ex-officio* member at any time, provided such member has been informed of the reason of his removal and has been given an opportunity of being heard, if he so desires.

8. Calling for the names from the Employment Exchange.

(a) The number of vacancies as determined under rule 4, except in case the vacancies mentioned in sub-rule (a) and sub-rule (b) of rule 14 and the vacancies to be filled by inter-council transfer under the provisions of sub-section (k) of section 19 of the Act, shall be intimated by the Council to the concerned Employment Exchange. For the purpose of preparation of panel for eligible candidates, the Employment Exchange shall be requested to send names of candidates, both trained and untrained, who have requisite qualifications and in order of seniority of registration, and the list of candidates so prepared shall comprise at least 50% of trained candidates unless the number of registered trained candidates at the concerned Employment Exchange is sufficient to comprise the 50% of the names in the list ;

Provided that in case of non-availability of sufficient number of candidates belonging to the Scheduled Castes and the Scheduled Tribes in the Employment Exchange of the concerned revenue district, a reference shall be made by the Council to the Special Employment Exchange for the Scheduled Castes/Scheduled Tribes at the State Level for sending further names.

(b) The letter to the employment exchange mentioned in sub-rule (a) shall contain, among other matters :—

(i) the required minimum qualifications of candidates :

(ii) the reservation quota for Scheduled Castes and Scheduled Tribes candidates and physically handicapped candidates ; and

(iii) the number of vacancies to be filled up.

(c) The total number of vacancies existing on the 31st December of a calendar year shall be treated as the number of vacancies for that year.

9. Selection procedure—

(a) On after the names of candidates for the posts of teachers are obtained from the employment exchange,

all candidates shall be communicated in writing to produce testimonials/certificates for computation of their marks in the score sheets prepared for the purpose of such selection.

(b) Credit shall be given and computed in the following manner

(i) there shall be 100 marks in total as full marks ;

(ii) the full marks shall be allotted to four different aspects of the candidate's eligibility in the following manner :—

1. Academic qualification	—	65	Marks
2. Training	—	20	„
3. Written Test/Oral Interview		10	„
4. Co-curricular Activity	—	5	„
		<hr/>	
		Tola 100 marks ;	

(iii) the percentage of marks to the total full marks obtained by the candidate in School Final/Madhyamik/Higher Secondary (XI Class) shall be computed as percentage of 65 and recorded in the score sheet, and if a candidate has passed two of the above public examinations, the better result only shall be computed ;

(iv) the percentage of marks to the total full marks obtained in Junior Basic Training Certificate Examination or equivalent shall be computed as percentage of 20 (twenty) and recorded in the score sheet ;

(v) marks obtained in the interviews shall be recorded in the score sheet ;

(vi) in awarding marks for co-curricular activities one mark shall be credited for each of the certificates mentioned below :—

(A) a certificate that he/she has represented the district in State level games, sports, issued by district level sports authority.

(B) a certificate that he/she has shown excellence in cultural activities representing the district in State level competitions issued by district level authority.

(C) minimum 'A' certificate of National Cadet Corps.

(D) a certificate of successful participation in literating the illiterates by a district level officer, and

(E) a diploma/certificate in Music/Arts and Craft on completion of a course of at least one year's duration from any University/recognised Government institutions ;

Provided that the maximum of such marks to be credited shall not exceed five.

(vii) 18 (eighteen) marks shall be credited for academic qualification to an eligible candidate belonging to Scheduled Tribe category who has required qualification as mentioned in sub-rule (e) of rule 6. Awarding of marks for training, interview and co-curricular activities shall be done in accordance with clauses (iv), (v) and (vi) respectively.

(c) (i) The total marks obtained by each candidate for academic qualification, training and co-curricular activities shall be computed in the manner prescribed in clauses (iii), (iv) and (vi), and a list of names of all candidates of each category, namely, Scheduled Caste, Scheduled Tribe, physically handicapped and others shall be prepared in descending order of total marks obtained by them.

(ii) The Staff Selection Committee, in its meeting shall finalise the total number of candidates from the top of the lists mentioned in clause (i) of sub-rule (c), to be called for interview. The number of candidates to be called for interview shall be five times the number of vacancies unless the total number of candidates is insufficient for the same.

(iii) The candidates selected for interview shall be intimated the date, time and place for their interview.

(d) After the interview all the scores shall be recorded and the marks obtained by a candidate shall be added up and the names of candidates shall be arranged according to marks obtained in a decending order.

(e) After the process as laid down in sub-rule(b) is complete, the Selection Committe shall arrange the names serially down from the top of the list. A panel of such number of candidates as there are vacancies plus 10% of such vacancies shall be prepared. The reservation for Scheduled Caste, Scheduled Tribes and physically handicapped persons shall have to be strictly maintained in the panel. The panel shall show separately names of Scheduled Tribes, Scheduled Caste, Physically handicapped, and other eligible candidates.

(f) Thereafter the panel thus prepared shall be placed in the meeting of the Council for passing and the total number of eligible candidates included in the panel shall be the same as the number of vacancies plus 10% of such existing vacancies.

10. Approval of the panel—

(a) The panel, after being passed in the meeting of the Council, shall be sent in triplicate to the Director with all necessary papers for approval.

(b) The Director on receipt of such panel passed by the Council, shall satisfy himself that the rules and the procedure in this respect have been followed and may approve the panel. Such approval if made shall be communicated to the Council immediately : provided that if in the opinion of the Director, there are defects or mistakes in the panel in observing the rules and procedure, he shall point out the defect and mistakes and ask the Council to rectify the defects and mistakes and to submit the panel to him with correction for approval.

(c) A copy of the approved panel will be sent by the Director to the Board.

11. Appointment letters—

(a) After the panel of eligible candidates is prepared and approved according to these rules, appointment letters shall be issued to the empanelled candidates serially according to the vacancies available. Appointment letters shall be issued under the signature of the Chairman of the Council or by an officer, not below the rank of Secretary, authorised by the Council to sign such appointment letters. No appointment made otherwise shall be considered valid.

(b) Appointment letters shall be sent to the candidates' address by registered post. The names of such appointees shall be marked in the panel preserved in the office of the Council: provided that appointment shall be made from the panel when vacancies occur and that inclusion of name in the panel shall not constitute a claim for appointment.

12. In preparing panel the statutory provisions for reservation of the scheduled caste and the scheduled tribe candidates shall be properly observed.

13. Validity of the panel—

An approved panel shall remain valid normally for one year from the date of approval by the Director provided the Board may extend the life of the panel by six months at a time, but the total period of such extension shall not exceed one year.

14. Appointment on compassionate ground—

The Council may appoint primary teachers with the approval of the Director on compassionate ground in the following cases where in the opinion of the Council, the cases deserve compassionate consideration :

(a) when a teacher dies in harness before the date of his superannuation leaving a family which, in the opinion of the Council, shall be in extreme economic hardship, (1) the unemployed widowed wife, or (2) the unemployed son, or (3) the unemployed unmarried

daughter, of the deceased primary teacher possessing required educational qualifications as laid down in sub-rules (a) and (b) of rule 6 and found eligible to teach, may make within two years from the date of such death a prayer in writing to the Council for appointment as primary teacher on compassionate ground, provided that only one member of a deceased primary teacher's family may be appointed on compassionate consideration :

(b) when a primary teacher is declared permanently incapacitated by the competent medical board set up according to the procedure laid down in the Government order and he has been allowed to retire at least two years before he attains the age of superannuation and his family is in extreme economic hardship after such retirement, (1) the unemployed wife, or (2) the unemployed son, or (3) the unemployed unmarried daughter, of the incapacitated and prematurely retired primary teacher possessing the required Educational qualifications as laid down in sub-rules (a) and (b) of rule 6. and found eligible to teach, may make within two years from the date of such retirement, a prayer in writing to the Council for appointment as primary teacher on compassionate ground :

Provided that only one member of the family of the incapacitated and prematurely retired primary teacher possessing the required educational qualifications and found eligible to teach, may be appointed on compassionate ground.

15. Maintenance of roster—

(a) The Council shall maintain separate rosters for the cases as referred to in sub-rules (a) and (b) of rule 14 and appointment shall be offered, after observing all formalities, to the senior most in such roster. In no case, such appointment on compassionate ground shall be made exceeding ten percent of the existing vacancies in a calendar year.

(b) In the cases of appointment under sub-rules (a) and

(b) of rule 14, reference to the employment exchange and preparation of panel shall not be necessary.

16. Posting on appointment—

The primary teachers shall be posted in primary schools within the jurisdiction of the Council according to vacancies as determined by the Council.

17. Joining time—

Teachers shall be asked to join their posts within a specified period, failing which their names may be struck off from the panel and the appointments shall be cancelled without further communication to the candidates and the next eligible candidates in the panel shall be offered appointment.

(2) Head Teachers

18. Appointment of head teachers—

The Council shall appoint head teachers from a panel of seniormost primary teachers possessing requisite qualifications as laid down in sub-rules (a) and (b) of rule 6 and who have obtained a Junior Basic Training Certificate/Primary Teacher's Training Certificate and shall appoint a head teacher in every primary school within the jurisdiction of the Council.

19. Preparation of panel—

A panel of head teacher shall be prepared by the Council and the names of such head teachers shall be arranged according to their seniority in service.

20. Posting—

Head teachers may be posted in such primary schools where no head teacher is posted or the post of the head teacher is vacant.

21. Joining Times—

A head teacher shall join his post within a period specified by the Council, failing which his appointment as head teacher may be cancelled and his name may be struck off from the panel of head teachers without any further communication, and the person whose name

appears next in the panel of head teachers, shall be appointed and posted as head teacher in that post.

22. Appointment of Teacher-in-charge—

The Council may utilise the services of the seniormost primary teacher in a primary school as the teacher-in-charge, temporarily for a maximum period of six months at a time, when a panel of head teacher is not ready or the post of head teacher is lying vacant for a considerable period of time ;

Provided that such teacher-in-charge shall hand over the charge of the office as the teacher-in-charge to the regular head teacher as soon as the latter is posted.

23. Allowances—

The Government may, from time to time, determine the allowances of a head teacher which a 'Teacher-in-Charge' may receive for the period during which he rendered services as the teacher-in-charge on the order of the Council.

CHAPTER—IV

Leave

24. Leave admissible to the teachers—

- (1) The primary teacher may be allowed the following kinds of leave :

(a) Casual leave—

Casual leave for short period may be granted at the discretion of the sanctioning authority to a teacher on full pay for not more than 14 days during a calendar year but it shall not entail on a teacher an absence of more than seven consecutive days at a time, including Sundays or holidays, except for very special circumstances to be recorded in writing :

Provided that Sundays or holidays preceding, following or falling within the period of casual leave shall not be counted as part of the casual leave ;

Provided further that Casual Leave shall not be taken in conjunction with any other leave.

(b) Maternity Leave—

(i) maternity leave may be granted to a permanent female teacher on full pay for a period which may extend upto three months from the date of its commencement or upto six weeks from the date of confinement whichever is earlier ;

(ii) maternity leave may be granted to a temporary female teacher upto four weeks prior to, and four weeks after the date of confinement, if she has been in service for at least nine months immediately preceding the date of delivery ;

(iii) any other admissible leave may be granted in continuation of maternity leave if the request for its grant be supported by a medical certificate ;

(iv) maternity leave may also be granted to female primary teachers in cases of miscarriage or abortion subject to the condition that such leave does not exceed six weeks and the application for the leave is supported by a certificate from a registered medical practitioner or Government Hospital ;

(c) Earned leave—

If a permanent teacher is under specific order of the Board, detained for duties and prevented from availing himself of the vacation, either in full or in part, during which the primary school remains closed, he shall be entitled to get leave on full pay for the number of days which is such proportion of 30 days as the number of days of vacation not taken bears to the full vacation of the year, subject to the condition that such detention shall be for the performance of specific duties at the School concerning its affair only and that in such case, the order of the Council shall state in full for the reason for such detention of the teacher and a copy of the order shall forthwith be forwarded to the Board, and that when such leave amounts to 120- days at the credit of a permanent teacher, he shall cease to earn such leave;

(d) Half pay leave—

A teacher may be granted half pay leave on medical certificate on the ground of his illness or private affairs, not exceeding (i) 30 days in case of a permanent teacher and (ii) 20 days in case of a temporary teacher for each completed year of service, subject to the condition that no half pay leave shall be granted at a time for more than 180 days to a permanent teacher, and more than 120 days to a temporary teacher, and that no half pay leave may be granted to a temporary teacher unless the date of his termination of his service falls after the period of leave and the authorities are satisfied that the teacher shall return to serve his term after the expiry of the leave period ;

(e) Commuted leave on Medical Ground—

Commuted leave, not exceeding half the amount of half pay leave due, may be granted on medical certificate only,

(i) subject to the condition—

(1) that Commuted leave during the entire period of service shall be limited to the maximum 180 days in the case of a permanent teacher and 120 days in the case of a temporary teacher.

(2) that twice the amount of the commuted leave granted shall be debited against the half pay leave due, and

(3) that the total duration of leave in lieu of duty during vacation and commuted leave taken in conjunction shall not exceed the maximum limits prescribed in clause (d) of this rule and

(ii) subject to the further condition

(A) that no commuted leave may be granted under this sub-rule unless the authority competent to sanction leave has reason to believe that the teacher will return to duty on its expiry, and

(B) that a teacher on commuted leave is entitled to have salary equal to twice the amount admissible to him under clause (d) of this rule ;

(f) Extraordinary leave without pay—

Extraordinary leave without pay may be granted to a teacher in special circumstances when no other leave is admissible under these rules, subject to the condition that the authority empowered to grant leave may commute retrospectively the period of absence without leave into extraordinary leave, and that extraordinary leave in conjunction with any other leave, if any, shall not, at any time, exceed 12 months ;

(g) Special full pay leave during detention without trial—

A teacher shall be granted leave with full pay in case he is detained in lawful custody without trial, for the period of his such detention ;

(h) Quarantine leave—

Quarantine leave, being the leave of absence from duty necessitated by orders not to attend school in consequence of the presence of infectious diseases in the family or household of a teacher in a Primary School maintained by Council, may, alone or in continuation of other kinds of leave, be granted by the Council on a certificate of Medical or Public Health Officer for a period not exceeding 21 days or, in exceptional circumstances, 30 days, subject to the condition that any leave necessary for quarantine purposes in excess of this period shall be treated as absent from duty and his pay is not intermitted.

(2) the above leave rules shall also be applicable in the case of a school mother.

25. Prefixing or affixing of holidays—

Leave other than casual leave may be prefixed or affixed to sundays/holidays including vacation as the case may be, but these cannot be sandwiched between Sunday and holiday.

26. Sanctioning authority—

(a) The Sub-Inspector of Schools shall be the authority for sanctioning casual leave to teachers in primary

schools maintained by the Council in the districts. The Council shall, after considering the recommendation of the District Inspector of Schools, sanction other kinds of leave to such teachers and may make acting arrangements in their places.

(b) Leave cannot be claimed as of right and the sanctioning authority reserves the right to refuse or revoke leave of any description, when, in the opinion of the authority, the exigencies of circumstances so demand.

CHAPTER—V

Miscellaneous

27. Retirement—

A primary teacher shall retire on completion of his sixtieth years of age.

28. Premature retirement—

If, on the prayer of a primary teacher seeking early retirement, the Council is satisfied, after considering all aspects, that such prayer is justified, the Council shall seek approval of the Director to each such individual case and if the Director approves, the primary teacher, after such approval shall be allowed to retire before completion of his/her sixtieth years of age.

29. Application of the rules—

Notwithstanding anything contained in any special rules and orders to the contrary, rules 3, 4, 6 and 27 shall apply to all recognised primary schools irrespective of whether they are managed by a religious or linguistic minority or not.

30. Confirmation, punishment and promotion—

Confirmation in service, punishment, dismissal, discharge, reward and promotion shall be meted out by the Council according to the Service Conduct Rules of Primary Teachers.

31. Appeal—

An appeal shall lie, in respect of any action taken by the Council under rules 7, 9, 10(a), 11(b) and 12 to

the Secretary, West Bengal Board of Primary Education, if made within thirty days of such action, and the decision of the Board in this regard shall be final.

32. Pension and Provident Fund—

Pension and Provident fund of retired primary teachers shall be conducted according to the rules in force in this regard.

33. Reference to the Board—

If any difficulty arises in implementing any provisions of these rules, the matter shall be referred to the Board and the decision of the Board shall be final ;

Provided that if, in the opinion of the Board, the matter needs be referred to the Government, such reference to the Government shall be made by the Board and the decision of the Government shall be final in such case.

34. Interpretation—

The power of interpreting these rules is reserved to Government.

35. Repeal—

All rules and orders made under the Bengal (Rural) Primary Education Act, 1930 and the West Bengal Urban Primary Education Act, 1963 and the West Bengal (Rural) Primary Education (Temporary provision) Act, 1969 regarding appointment of teachers and service conditions of primary teachers, contrary to the provisions of these rules, are hereby repealed in the districts where the West Bengal Primary Education Act, 1973 (43 of 1973) has come into force ;

Provided that appointment of all teachers made with the approval of the Director prior to the framing of these rules, shall be deemed to have been approved under these rules.

By order of the Governor,
U. K. ROY

Secretary to the Govt. of West Bengal.

Guidlines for observing statutory provisions and complying orders and circulars issued by the State Govt. from time to time while recruiting candidates to the posts of teachers in primary schools.

Statutory Provisions :

1. a) Reservation @ 5% of vacancies for O.B.C. candidates :

The West Bengal Commission for Backward Class Act, 1993, had been passed by the State Govt. in 1993. Rules were also framed under the Act. Several Govt. orders were issued from time to time including amendments of the Act and the Rules.

In pursuance of the provisions of clause (c) of section 2 of the said Act the Govt. of West Bengal in its Scheduled Caste and Tribes Welfare Department issued an order being No. 347-T.W/EC dated 13.7.94 and made provision for the reservation of 5% of the vacancies in services and posts. "5% of the vacancies in services and posts under the Govt. of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Govt., Universities, Colleges affiliated to the Universities, Primary, Secondary and Higher Secondary Schools, other educational institutions which are owned or aided by the State Govt., and Public Sector to be filled up by direct recruitment shall be reserved for the backward classes of citizens." (copy of the Notification enclosed). By the G. O. No. 261-TW/EC dated 6.4.95 the State Govt., S. C. & T.W. department has directed that for the purpose of implementation of 5% reservation of vacancies for the backward classes of citizens in direct recruitment in services posts, a separate 100-point roster as shown thereunder shall be maintained.

- b) **5% reservation of vacancies for Ex-Seervicemen :**

In exercise of the power conferred by the proviso to Article 309 of the Constitution of India, the Governor

made rules regulating the reservation of vacancies in the State services and posts, Group 'C' and Group 'D', for Ex-servicemen.

Under sub-section 1 of section 4 of the Ex-servicemen (Reservation of vacancies in the State services and posts, Group 'C' and Group 'D') Rules, 1982, the provision for 5% reservation of vacancies is as follows :—

2. Reservation of vacancies :

(1) 5% of the vacancies in each of the categories of Group 'C' posts and of such posts in each Group 'C' service and 10% of the vacancies in each of the categories of Group 'D' posts and of such posts in each Group 'D' service, including permanent vacancies filled initially on a temporary basis and temporary vacancies which are likely to be made permanent and/or are likely to continue for three months and more, to be filled by direct recruitment in any year shall be reserved for being filled by Ex-servicemen.

Thus the above statutory provisions for reservation @ 5% of the vacancies for each of categories of candidates belonging to (i) O.B.C. and (ii) Ex-servicemen are obligatory on the part of the Employing Authorities in the State of West Bengal.

(2) Reservation of 30% of vacancies for 'Exempted Category'

This reservation of 30% of total vacancies for 'Exempted Category' is in the Employment policy of the Government in the State which has been circulated by the Chief Secretary to the Govt. of West Bengal in his Nos. 5120 (60)-L.W. and 129 (60) dated 17.10.77 and 25.1.78 respectively. It has been laid down there that 30% of the vacancies shall be kept reserved for some persons of exempted categories of the following types :—

(i) a son/daughter/wife of a primary school teacher dying-in-harness and/or permanently disabled category ;

(ii) candidates belonging to families any one of which might have lost his life in connection with political democratic movement from 1970 onwards.

(iii) Persons who might have been uprooted from his residence/agricultural land as a result of Govt. developmental project or Townships as in Haldia only one member from an uprooted family shall be eligible for such preference for jobs in and around the area acquired.

(iv) Ex-Census Worker, Ex-industrial Census worker and Ex-Sibir Karmachari.

Out of 30% of the vacancies for Exempted Category there is a provision of 10% earmarked for dying-in harness category in the New recruitment Rules, and the remaining 20% is valid till the modification of the relevant orders bearing Nos. 5120 (60) L.W. and 129 (60) dated 17.10.77 and 21.5.78 respectively.

(3) As regards Training it means Junior Basic Training/Primary Teachers' Training Certificate or equivalent issued under the authority of Director or any other officer empowered in this behalf by the Government as per rule.

(4) In terms of Article 16(4) and Article 335 of the Constitution of India the State Govt. enacted the W.B. Scheduled Caste and Scheduled Tribes (Reservation in Services and Posts) Act, 1976. This Act was amended from time to time. The S. C. & T.W. Department, in their letter No. 335(80)-TW/EC/MR-83/92 dtd, 5.6.92 have issued synoptic note on the point of reservation both in direct recruitment as well as in promotion.

In the said note it has been laid down that there shall be reservation at 22% for members of Scheduled Castes and 6% for members of Scheduled Tribes.

In order No. 347-TW/EC dtd. 13.7.94 it has been laid down that 5% of the vacancies in services and posts under the Government of West Bengal, the local and statutory authorities under any State Act,..... Universities, colleges affiliated to Universities, primary, secondary and higher secondary schools, other educational institutions which are owned or aided by the State Govt. and public sector to be filled up by direct recruitment shall be reserved for the backward classes of citizens.

(5) In terms of Circular No. 129 (60)-LW dt. 25.1.78 30% of the total vacancies arising in a year under any Employing Authority shall be treated as reserved to be filled up by persons falling within the Exempted Categories. Out of 30% of the Exempted Categories 10% shall be reserved to be filled up by the wards of persons dying-in-harness.

While calculating the number of vacancies to be reserved for the wards of primary teachers dying-in-harness the number of vacancies that will be actually, available during the period between two points of time of recruitment shall be taken into account.. If any vacancies at any relevant point of time of recruitment are left unfilled these vacancies shall not be taken into consideration at the next time of recruitment for the purpose of reservation of vacancies for the wards of primary teachers dying-in-harness.

(6) The Directorate of Employment, in their circular No. DNES/Sl No. 1/1987 stipulated that candidates who are registered with Employment Exchanges and have experience in adult education and non-formal education organised by institutions/organisations authorised by the State Govt., may be sponsored on priority basis against vacancies for the posts of Teachers (untrained) on that these candidates do possess the minimum qualification and have recorded their above experience in the Employment Exchanges.

Later, the Labour Department, in their letter No. 319-Emp/2E-103/93 dt. 30.7.96 have stated that the above circular has become inoperative in view of the publication of the Rules of Recruitment and Leave of Teachers in Primary Schools in West Bengal.

Hence the Circular No. DNES/Sl. No. 1/1987 shall not be treated as obligatory.

Employment Policy Circulars
GOVERNMENT OF WEST BENGAL
LABOUR DEPARTMENT

From—The chief Secretary to the Government of West Bengal.

To — (1) The Commissioner.....
(2) The Secretary.....
(3) The District Magistrate.....

No. 5120(60)LW Calcutta, the 17th October, 1977

Subject : Compulsory recruitment through Employment Exchanges in all non-P.S.C. vacancies in the State Government establishments, State Government undertakings, Quasi-Government establishments and Local Bodies.

Sir,

I am directed to state that Government have decided that in future all recruitment in the State Government Establishments, the State Government Undertakings, Quasi-Government Establishments and Local Bodies under the Government shall be made through the Employment Exchanges with a view to providing equal opportunity to all in the State in the matter of employment. In pursuance of this decision, henceforward, all recruitment to posts under the Government should be made strictly according to the procedure laid down below :

- (1) All vacancies arising in State Government establishments, State Government Undertakings, Quasi-Government establishments and Local Bodies where recruitment is not made through Public Service Commission, or by way of normal promotion, or by absorption of personnel declared surplus by the Government shall, as a rule, be filled up through the Employment Exchanges. For this purpose, and as also required by the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959, all employing authorities under the State Government including the State Government Undertakings, Quasi-Government establishments and Local Bodies shall notify to the

appropriate Employment Exchanges all vacancies that may occur in their establishments from time to time.

- (2) In the following categories of cases, however, the Employing Authorities will be competent without referring to the Employment Exchanges to give appointments—

(i) to candidates hailing from families who might have been uprooted from their places of residence as a result of the land in question being acquired by the Government for development projects like setting up a power plant or a township etc., as in Haldia. Only one member from an uprooted family shall be eligible for such special preference for jobs in and around the area acquired ;

(ii) to a son/daughter/near relation of a Government servant who dies in harness leaving his family in immediate need of assistance. Such compassionate appointments should be made provided the dependant possesses prescribed qualifications according to recruitment rules ;

(iii) to trade apprentices who might have had training in the undertakings, to the skilled or semi-skilled posts in the Government-run industrial undertakings, in preference to others, provided they have the requisite qualification for the job and their names are enrolled with the Employment Exchanges ;

(iv) to suitable ex-industrial Census personnel who were retrenched with effect from the 1st February, 1975 by the Cottage and Small Scale Industries Department of the State Government, ex-Census employees who have not been absorbed in service either under the State Government or in any Public Sector Undertaking of the State Government, and ex-employees of Refugee, Relief and Rehabilitation Department of State Government (ex-Sibir Karmacharies who served in connection with the relief and rehabilitation of the Refugees from Pakistan and Bangladesh) who have put in at least six months continuous service in their previous jobs.

- (3) The Government will otherwise also be free to first absorb or direct the absorption in existing or new

vacancies, of staff which may be surplus to existing requirement.

- (4) 10% of the vacancies in each of the categories of Class III posts and 20% of the vacancies in each of the categories of Class IV posts shall be reserved for being filled by ex-servicemen in accordance with the Ex-servicemen (Reservation of Vacancies in the State Services and Posts, Class III and Class IV) Rules, 1975.
- (5) Names of unemployed persons are to be forwarded to the employers by the Employment Exchanges generally in order of seniority, that is to say, length of the period of enrolment. The idea is that where other factors and requirements in respect of qualification are identical, priority in the matter of appointment is to be given to those who enroll their names earlier unless they have already been given adequate chance or are already employed in comparable scales. Other provisions of the Employment Exchange Manual shall be strictly followed.
- (6) In order to enable the employing authorities to fulfil the requirements of West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Service and Posts) Act, 1976, the Employment Exchanges shall also forward to the former (Employing Authorities) names of an adequate number of Scheduled Castes and Scheduled Tribes candidates enrolled with them, even though these candidates might not satisfy the test of seniority as in (5) above. The Employment Exchanges should also try to give greater priority to candidates from backward areas. Government will issue executive instructions as to which areas are to be treated as backward for this purpose. It will be incumbent upon the Employing Authorities to indicate which of the posts are to be filled up by Scheduled Castes and Scheduled Tribes candidates, when they seek for names from the Exchanges.
- (7) It has been decided that the above mentioned measures will come into force with immediate effect.

I am, therefore, to request you to please instruct all the Subordinate Offices and Undertakings under your

administrative control to strictly comply with the above mentioned decisions in matters of recruitment.

Yours faithfully,
Sd/- A. K. SEN
Chief Secretary

N.B.—Amended vide G. No. 6249-F dt. 15.6.82 of Finance Department, Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL

LABOUR DEPARTMENT

No. 129(60)LW Calcutta, the 25th January, 1978
From—Sri A. K. Sen, I.A.S.
Chief Secretary
West Bengal.

To —

Sir,

In continuation of the Labour Department's Circular No. 5120(60) LW dated 17.10.77 on the subject of compulsory recruitment through the Employment Exchanges, I am directed to state that the Government has since taken the following further decisions in the matter.

- (1) The exempted categories, as enumerated in the Circular No. 5120(60)LW dated 17.10.77, in respect of which only recruitment may be made other than through the Employment Exchanges, will also include members (sons/daughters/dependants) of a family any one of which might have lost his life as a result of participation in or association with any political, democratic movement during the period from 1970 onwards, i.e. after the fall of the Second United Front Government. A list of such families which have suffered in the manner stated before will be separately compiled by the Government and will be communicated in due course to the Employing Authorities.
- (2) Of the total vacancies arising in a year under any Employing Authority, 30% shall be treated as reserved

to be filled up by persons falling within the Exempted Categories. The remaining vacancies (70%) shall be filled up exclusively through the Employment Exchanges. A Model Roster will be drawn up by the Government indicating how vacancies, to be filled up other than through the Employment Exchanges, shall be apportioned amongst the different Exempted Categories. Copies of the Roster will be sent to the different Employing Authorities to be acted upon by them while filling up the vacancies reserved for the Exempted Categories. For the vacancies not reserved, Employing Authorities will contact the nearest Exchange for submission of names of candidates.

- (3) In all the Employment Exchanges in the State, Government will set up Advisory Committees. The Functions of these Committees will be to screen and scrutinise the names sponsored by the Employment Exchanges against requisitions placed by the Employing Authorities. The Advisory Committees will ensure that there is no irregularity in sponsoring names of candidates by the Employment Exchanges and that names are forwarded according to the precedence of registration.
- (4) For recruitment to non-P.S.C. posts, either through the Employment Exchanges or from amongst the Exempted Categories, the maximum age for eligibility of candidates will be raised to 35 years from the present maximum of 30 years.
- (5) Restrictions earlier imposed on fresh recruitment to posts in the State Government Establishments, Undertakings, Quasi-Government Establishments and Local Bodies shall be revoked with immediate effect. All Employing Authorities may start filling up the non-P.S.C. vacancies under them immediately. While filling up the vacancies, the Employing Authorities shall follow the principles enunciated in the Government Memo No. 5120(60)LW, dated 17.10.77, as further elaborated in the present Memo. Till, however, the Model Roster indicating apportionment of reserved vacancies amongst the different Exempted Categories is drawn up by the Government and circulated to all for guidance, recruit-

ment may be made through the Employment Exchanges within the quota of 70% earmarked for recruitment through this channel.

All Employing Authorities under your administrative control may be advised to take immediate action in the matter.

Yours faithfully,
Sd/- A. K. SEN
Chief Secretary.

GOVERNMENT OF WEST BENGAL

LABOUR DEPARTMENT

No. 130(60)LW

Calcutta, the 25th January, 1978

From : The Secretary to the Government of West Bengal.

To :

Sir,

In continuation of the Circulars issued by the Chief Secretary [Nos. 5120(60)-LW and 129(60)-LW dated 17.10.77 and 25.1.78 respectively], I am directed to state that Government has considered the steps to be taken to implement the decisions taken regarding channelling recruitment, excepting in respect of certain categories, through the Employment Exchanges. The method to be followed in this respect is laid down below for the guidance of all Employing Authorities.

1. All vacancies should be notified to the nearest Employment Exchange. A copy of the list of different Employment Exchanges in the districts and sub-divisions is enclosed.
2. For 70% of posts earmarked for exclusive recruitment through the Employment Exchanges, the Employing Authorities will contact the nearest Employment Exchange and place their requirement of men. The requisitions from the Employment Authorities shall contain details of job specification and qualification needed.

Employment Exchanges will send names to the Employing Authorities as per their requisitions according to the norm laid down in the Employment Exchange Manual.

3. It will have been noted from the Circular of the Chief Secretary that some class of persons have been included in the exempted category and it has been laid down that 30% of vacancies shall be kept reserved for them. It has also been laid down that in respect of these reserved vacancies, it will not be necessary for the Employing Authorities to place any requisitions for candidates with the Employment Exchanges.

It is, however, necessary to indicate to the Employing Authorities what shall be the manner of filling up the reserved vacancies and wherefrom—the names of persons falling within the exempted categories will be available.

- 3.1 So far as the ex-Census Workers, ex-Industrial Census Workers and ex-Shibir Karmacharies are concerned, the Director of National Employment Exchange, has been asked to open a special cell in his office to maintain a running list of persons belonging to these categories.

The Departments concerned under whom these categories of persons might have worked will forward the names of such persons to the D.N.E.S. Employing Officers may write direct to the D.N.E.S. for making available to them persons from these lists when it comes to filling up vacancies which should be treated as reserved.

- 3.2 A separate procedure is being worked out for compiling the list of persons belonging to families any one of which might have lost his life in connection with political, democratic movement from 1970 onwards. When the list is compiled, it will likewise be maintained by the D.N.E.S. and the Employing Authorities will get in touch with the D.N.E.S. for getting names from this list. As will be appreciated, it will take some time before the list is drawn up.

- 3.3 District Magistrates and Sub-divisional Officers will have with them names of persons who might have been evicted from their homestead land as a result of development programmes of the Government having been undertaken in that area. For this category of people, therefore, no reference is to be made to the Director of National Employment Exchange. For offices located in a District where this type of eviction has taken place, the line of action would be that the Employing Authorities will write to the D.M./S.D.O. for getting names from this category for filling up vacancies in the reserved quota.
- 3.4 Cases where on compassionate ground a son or a relation of a person dying in harness is to be offered a job, will have precedence over others in the matter of placement, whether a particular vacancy occurring at that time is a reserved one or not. This category of persons will have an overriding priority in the matter of placement against vacancies arising under any of the Employing Authorities.
4. A model Roster of how the posts may be filled up by rotation amongst the exempted categories and others is spelt out below for the guidance of the Employing Authorities. This may be followed in all cases. Starting with immediate effect, the following Roster of 20 vacancies should be followed by all Employing Establishments for each class of vacancies :
- (1) Unreserved
 - (2) Unreserved
 - (3) Unreserved
 - (4) Exempted Categories
 - (5) Exempted Categories
 - (6) Unreserved
 - (7) Unreserved
 - (8) Exempted Categories
 - (9) Unreserved
 - (10) Unreserved
 - (11) Exempted Categories
 - (12) Unreserved
 - (13) Unreserved
 - (14) Exempted Categories

- (15) Unreserved
- (16) Unreserved
- (17) Unreserved
- (18) Exempted Categories
- (19) Unreserved
- (20) Unreserved

The unreserved categories will be filled up through the Employment Exchanges.

Action may now be taken with immediate effect for notifying and filling up the existing vacancies in the manner indicated before.

Yours faithfully,
Sd/- R. N. SENGUPTA
Secretary.

GOVERNMENT OF WEST BENGAL
SCHEDULED CASTES & SCHEDULED TRIBES
WELFARE DEPARTMENT

Notification

No. 136-TW/EC

Calcutta, the 27th March, 1990.

In exercise of the powers conferred by the first proviso to clause (a) of section 4, and the proviso to clause (a) of section 5, of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in services and posts) Act, 1976 (West Bengal Act. XXVII of 1976), the Governor is pleased hereby to direct that with effect from the date of publication of this notification in the "Official Gazettee" in all appointments to services and posts in any establishment as defined in clauses (b) of section 2 of the said Act which are to be filled up by direct recruitment or by promotion, twenty-two percent of the vacancies shall be reserved for candidates belonging to the Scheduled Castes and six percent for candidates belonging to the Scheduled Tribes in the manner set out in the second paragraph of this Notification.

2. The Governor is further pleased to direct that for the purpose of implementation of the 22% reservation quota for

the Scheduled Castes and 6% of reservation quota for the Scheduled Tribes in both recruitment and promotion of the candidates belonging to the above communities, the existing 20-point roster in clause (i) of the Schedule to the said Act shall be deemed to have been substituted by a 50-point roster in which the 1st, the 7th, the 11th, the 15th, the 18th, the 21st, the 28th, the 32nd, the 36th, the 40th and 47th vacancies shall be reserved for the Scheduled Caste candidates and 4th, the 24th and the 43rd vacancies shall be reserved for the Scheduled Tribes for the purpose of both recruitment and promotion in any establishment as defined in clause (b) of section 2 of the said Act.

By order of the Governor,
Sd/- P. CHAUDHURY,
Secretary to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL
EDUCATION DEPARTMENT

Primary Section

No. 796(35)-Edn(P) Calcutta, the 31st August, 1994.

5C-5/88

From—Shri P. N. Kundu,

Assistant Secretary to the Govt. of West Bengal.

- To — (I) The Director of School Education, West Bengal
(II) The President, W. B. Board of Primary Education, 84, Sarat Bose Road, Calcutta-26.
(III) The District Inspector of Schools (PE)
(IV) The District Inspector of Schools (SE)

Subject : Reservation of SC and ST candidates in services and posts in direct recruitment as well as on promotion.

The undersigned is directed to send herewith a copy of No. 335(80)-TW/EC/MR-83/92 dated 5.6.92 together with a copy of its enclosures, from SC & TW department, on the above subject, with a request to follow the instruction strictly on point of reservation in services both in direct recruitment as well as in promotion.

An implementation report may be furnished in due course.

Sd/-

Assistant Secretary.

GOVERNMENT OF WEST BENGAL

SCHEDULED CASTE & TRIBES

WELFARE DEPARTMENT

No. 335(80)-TW/EC/MR-83/92

Cal., 5.6.1992.

From—Shri K. K. Naskar, I.A.S. Secretary

To —The Secretary,

Education Department of this Government.

Sir,

West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services & Posts) Act, 1976 had been passed by the State Government in 1976. Rules were also framed under the Act. Several Govt. orders were issued from time to time including amendments of the Act and the Rules.

2. A synoptic note only on point of reservation both in direct recruitment as well as in promotion has been prepared as a guideline for maintenance of reservation in services and posts.

3. It is hoped that this will be of good use as a guideline ready reckoner for maintenance of reservation in all services and posts.

4. Adequate number of copies of the synoptic note is sent here for use in your office and also for circulation in office under or attached with your Deptt./Office.

Yours faithfully,
Sd/-K. K. NASKAR
Secretary.

Notes on reseervation of Scheduled Castes & Scheduled Tribes in services and posts.

In terms of Article 16(4) and Article 335 of Constitution of India the State Govt. enacted the West Bengal Scheduled Castes and Scheduled Tribes (Reservation in Services and Posts) Act, 1976. This act was amended from time to time.

All establishment be it a Govt. Undertaking, a Statutory Body, a University, Educational Institutions or Offices owned or aided by the State Govt. shall maintain reservation of SC and ST in direct and promotional vacancies, as per percentage fixed and other norms stipulated.

1. Direct recruitment

i) There shall be reservation at 22% for members of Scheduled Castes and 6% for members of Scheduled Tribes in Services and Posts including appointment to the post of Engineers, if there is no shortfall i.e. in the representation of Scheduled Castes and Scheduled Tribes in 22% and 6% respectively in services and posts. For determination as to which particular vacancy should be filled up by S.C. or S.T. a 50-point roster given in Appendix-I is to be maintained in register by the appointing authorities regularly.

ii) If there is short fall i.e. if the existing percentage to Scheduled Castes and Scheduled Tribe in Services and Posts is below 22 and 6 for Scheduled Castes and Scheduled Tribes respectively then the percentage in direct recruitment is 25 for Scheduled Castes and 10 for Scheduled Tribes. For determination as to which particular vacancy should be filled up by S. C. or S. T., a 20-Point roster given in Appendix II is to be maintained in a register by the appointing authorities regularly.

iii) In respect of West Bengal Civil Services (Judicial), the percentage is 10 for Scheduled Castes and 5 for Scheduled Tribes. A 20-Point roster as given in Appendix II is to be maintained by the appointing authorities showing maintenance of reservation regularly.

iv) The numbr of Scheduled Castes or Scheduled Tribes candidates qualifying on merit for appointment to any unreserved vacancy in services and posts in any establishment to be filled up by direct recruitment shall not be deducted from the quota reserved in such services or posts for such candidates.

v) There shall be no de-reservation of any reserved vacancy by appointing authority. In absence of a qualified Scheduled Caste Scheduled Tribes candidate, to fill up the vacancy reserved for Scheduled Castes and Scheduled Tribes, as the case may be, the vacancy shall remain unfilled. If however, such vacancies are to be filled up by a general candidate, in the public interest, appointng authority shall refer the vacancy to the S.C. & T.W. Deptt. and the S. C. & T.W. Deptt. may de-reserve the vacancy subject to the condition that the reservation against the vacancies so de-reserved shall be carried forward against the subsequent unreserved vacancy.

vi) For single post cadre 50 point roster is to be followed, vacancies occuring in the post from time to time to be considered as points of 50 point roster. Growing of several single cadre posts is allowed only one in the initial stage for the interest of parity.

vii) All posts in any school shall be divided into two services (a) Teaching & (b) non-teaching for the purpose of maintenance of reservation taking the school as a unit. 50 point roster shall be followed separately for the two groups of employees.

viii) Short duration vacancies in schools shall also be put in the same 50 point roster. But if such a vacancy terminates before the incumbent holding the said vacancy is confirmed, the vacancy occurring next to it shall be deemed to stand at the same point in the 50 point roster of vacancy.

2. Appointment on promotion :

i) There shall be reservation at 22% for members of Scheduled Castes and 6% for members of Scheduled

Tribes for services and posts including appointment to the posts of Engineers. Roster as in Appendix-I shall be followed.

ii) Promotional vacancies reserved for Scheduled Castes, Scheduled Tribes be filled upon the principle of normal zone of consideration. Normal zone of consideration in respect of promotion to any particular post or posts shall consist of such of the employees eligible for promotion to such post or posts according to the prevailing recruitment rules or procedure as occupy, when arranged in descending order of the seniority, five times the number of vacancy or vacancies actually available for filling up by promotion at the time of consideration.

iii) In the absence of a qualified Scheduled Caste or Scheduled Tribe candidate against a particular reserved vacancy, the reserved vacancy shall be carried forward till the next reserved vacancy, occurs in 20 Point roster but not beyond.

iv) The number of any Scheduled Caste and Scheduled Tribe employees appointed on promotion to any reserved vacancy in services and posts in any establishment to be filled up by promotion shall not be deducted from the quota reserved in such services or posts for the members Scheduled Castes or the Scheduled Tribes.

v) While vacancies reserved for Scheduled Castes and Scheduled Tribes will continue to be reserved for the respective community only, a Scheduled Caste employee may also be considered for appointment against a vacancy reserved for Scheduled Tribe, or vice-versa, in the same year itself in which the reservation is made, where the appropriate reserved vacancy could not be filled up by a Scheduled Caste or Scheduled Tribe candidate as the case may be.

vi) There shall be no reservation in any post in a scale of pay, maximum of which exceeds Rs. 6000/-. Usual criteria of promotion to be followed.

vii) There shall be no reservation in higher judicial services. Usual criteria of promotion shall be followed.

3. Exemption :

i) If the State Government is of opinion that the reservation to members of the Scheduled Castes or Scheduled Tribes shall not be applied to any particular service or posts in view of the special qualification or experience necessary the State Government may by notification in the official Gazettee, exempt such service or posts from the provisions of the Act.

ii) If any difficulty arises in giving effect to the provision of this Act, the State Government may take such steps or issue order not inconsistent with the provisions of this Act, as the State Government may consider necessary for removing the difficulty.

Appendix—I

A 50-point Roster

Vacancy No.	Reserved for	Vacancy No.	Reserved for
1st	Scheduled Caste	26th	General
2nd	General	27th	General
3rd	General	28th	Scheduled Caste
4th	Scheduled Tribe	29th	General
5th	General	30th	General
6th	General	31st	General
7th	Scheduled Caste	32nd	Scheduled Caste
8th	General	33rd	General
9th	General	34th	General
10th	General	35th	General
11th	Scheduled Caste	36th	Scheduled Caste
12th	General	37th	General
13th	General	38th	General
14th	General	39th	General
15th	Scheduled Caste	40th	Scheduled Caste
16th	General	41st	General
17th	General	42nd	General
18th	Scheduled Caste	43rd	Scheduled Caste
19th	General	44th	General
20th	General	45th	General
21st	Scheduled Caste	46th	General
22nd	General	47th	Scheduled Caste
23rd	General	48th	General
24th	Scheduled Caste	49th	General
25th	General	50th	General

N.B.— 50-Point Roster has been replaced by 100-Point Roster vide order No. 261-TW/EC dated 6.4.95 at page

Appendix—II

A 20-point Roster

Vacancy No.		Reserved for
1st	—	Scheduled Caste
2nd	—	Unreserved
3rd	—	Scheduled Tribe
4th	—	Unreserved
5th	—	Unreserved
6th	—	Scheduled Caste
7th	—	Unreserved
8th	—	Unreserved
9th	—	Scheduled Caste
10th	—	Unreserved
11th	—	Unreserved
12th	—	Scheduled Caste
13th	—	Unreserved
14th	—	Unreserved
15th	—	Scheduled Caste
16th	—	Unreserved
17th	—	Unreserved
18th	—	Scheduled Caste
19th	—	Unreserved
20th	—	Unreserved

GOVERNMENT OF WEST BENGAL

EDUCATION DEPARTMENT

Primary Branch

No. 471-Edn.(P)

Dated., Calcutta, the 16.10.80.

From—Sri M. M. Sinha Roy.

Dy. Secretary to the Govt. of West Bengal.

To — The Director of Primary Education, West Bengal.

Subject : Reservation of vacancies for disabled persons.

The undersigned is directed by order of the Governor to say that the question of extending the benefit of offering employment to the physically handicapped or disabled persons has been engaging the attention of the Government for some time past. After careful consideration of the problem, the Governor is pleased to order that not less than two percent of the vacancies in which direct recruitment is made and which may occur in any service/posts in Primary Schools under District School Board, including Junior Basic Schools and in Junior Basic Training Institutes shall be reserved to be filled up by qualified physically handicapped persons as defined in Finance Department Memo No. 10402-F dated the 26th November, 1974 provided such persons possess the minimum prescribed qualification and provided the appointing authority considers them suitable for the posts/service concerned.

2. Even if the number of vacancies in a Directorate/Office is less than fifty in a year, appointing authorities are directed to ensure that during the Calender year 1980, at least one physically handicapped or disabled person is appointed in their offices after due observance of the other conditions laid down in Finance department's Memo No. 10402-F dated the 26th November, 1974.

3. It is further ordered that names of disabled candidates be included in the panel by making reference to the Special Employment Exchange where the procedure for preparation of panels is in force.

4. This order may be treated to have come in force retrospectively with effect from 1st April, 1980. This reservation of 2% will proceed against the quota of 70% of appointment (meant for other than 30% of "exempted" categories).

Sd/-M. M. SINHA ROY
Deputy Secretary.

GOVERNMENT OF WEST BENGAL

FINANCE DEPARTMENT

Audit Branch

No. 6249-F

Dated., Calcutta, the 15th June, 1982.

NOTIFICATION

In exercise of the power conferred by the proviso to article 309 of the Constitution of India, the Governor is pleased hereby to make the following rules regulating the reservation of vacancies in the State Services and Posts, Group 'C' and Group 'D', for Ex-Servicemen namely :—

1. **Short title and commencement :**

- (1) These rules may be called the Ex-Servicemen (Reservation of Vacancies in the States Services and Posts, Group 'C' and Group 'D') Rules, 1982
- (2) They shall come into force with immediate effect.

2. **Definitions :**

In these rules, unless the context otherwise requires—

(a) "Armed forces of the Union" means the Naval, Military or Air Forces of the Union,

(b) "Disabled Ex-Serviceman" means an Ex-Serviceman who, while serving in the Armed Forces of the Union, was disabled in operations against the enemy or in disturbed areas,

(c) "Ex-Serviceman" means a person who has served in any rank (whether as a combatant or as a non-combatant) in the Armed Forces of the Union, including the Armed Forces of the former Indian States but excluding the Assam Rifles, Defence security Corps, General Reserve Engineering Force, Lok Sahayak Sena and Territorial Army for a continuous period of not less than six months after attestation, and,

(i) has been released, otherwise than at his own request or by way of dismissal or discharge on account of misconduct or inefficiency, or has been transferred to the reserve pending such release, or

(ii) has to serve for not more than six months for completing the period of service requisite for becoming entitled to be released or transferred to the reserve as aforesaid, or

(iii) has been released at his own request, after completing five years' service in the Armed Forces of the Union ;

(d) "reserved vacancies" means vacancies reserved under rule or being filled by Ex-Servicemen.

3. **Application** : These rules shall apply to all State Services and Posts, Group 'C' and Group 'D'.

4. **Reservation of Vacancies** :

(1) Five percent of the vacancies in each of the categories of Group 'C' posts and of such posts in each Group 'C' service and ten per cent of vacancies in each of the categories of Group 'D' posts and of such posts in each Group 'D' service, including permanent vacancies filled initially on a temporary basis and temporary vacancies which are likely to be made permanent and/or are likely to continue for three months and more, to be filled by direct recruitment in any year shall be reserved for being filled by Ex-Servicemen ;

Provided that the percentages of reservation as aforesaid for Ex-Servicemen in a category of posts shall be increased or decreased in any one recruitment year to the extent to which the total number of vacancies reserved for Ex-servicemen, Scheduled Castes and Scheduled Tribes (including the carried forward reservation for Scheduled Castes and Scheduled tribes) and for any other categories taken together falls short or is in excess, as the case may be, of fifty per cent of the vacancies in that category of posts filled in that year :

Provided further that in the case of an increase in the reservation for the Ex-Servicemen under the first proviso, the additional vacancies so made available for them shall be utilised first for the appointment of disabled Ex-Servicemen, and if any such vacancies still remain unfilled thereafter, the same shall then be made available to other Ex-Servicemen.

(2) Out of the vacancies referred to in sub-rule (1) reserved for being filled by Ex-Servicemen, vacancies shall also be reserved for candidates belonging to the Scheduled Castes and the Scheduled Tribes in accordance with such orders as may be issued in this behalf by the State Government from time to time :

Provided that if any Ex-Serviceman belonging to a Scheduled Caste or Scheduled Tribe is selected, his selection shall be counted against the overall quota of reservations that shall be provided for the Scheduled Castes or Scheduled Tribes in accordance with the orders issued by the State Government from time to time.

(3) No vacancy reserved for Ex-Servicemen in a post to be filled otherwise than on the results of an open competitive examination shall be filled by the appointing authority by any general candidate until and unless the said authority—

- i) has obtained a 'non-availability certificate' from the employment exchange (where a requisition is placed on an employment exchange) ;
- ii) has verified the non-availability of a suitable candidate by reference to the Zilla Sainik Board/Rajya Sainik Board/Directorate General of Re-Settlement and recorded a certificate to that effect ; and
- iii) has obtained approval of the State Government.

5. Special Provision regarding age limit :

For appointment to any vacancy in State Services and posts, Group 'C' and Group 'D' whether reserved or not under these rules, every ex-Serviceman who has put in not less than six months' continuous service in the Armed forces of the Union shall be allowed to deduct the period of such service from his actual age and if the resultant age does not exceed the maximum age limit prescribed for the post/service for which he seeks appointment by more than three years, he shall be deemed to have satisfied the condition regarding age limit.

6. Special provision regarding educational qualifications :

(1) For appointment to any reserved vacancy in the Group D' posts, every Ex-Serviceman who has put in not less than three years' service in the Armed Forces of the Union shall be exempt from the minimum educational qualifications, if any, prescribed in respect of such posts.

(2) For appointment to any reserved vacancy in Group 'C' posts, the appointing authority may, at its discretion, relax the minimum educational qualifications, where such qualifications prescribed include a pass in the Class VIII of the High school or equivalent qualifications or a pass in any lower examination, in favour of Ex-Servicemen who have put in at least three years' service in the Armed Forces of the Union and who are otherwise considered fit and suitable for appointment to such posts in view of their experience and other qualifications.

(3) For appointment to any reserved vacancy in Group 'C' posts to be filled partly by direct recruitment and partly by promotion or transfer, where the minimum educational or technical qualifications prescribed for appointment by direct recruitment are higher than that prescribed for promotees or transferees, an ex-Serviceman shall be deemed to have satisfied the prescribed educational or technical qualifications if he—

i) satisfies the educational or technical qualifications prescribed for promotees or transferees ; and

ii) has identical experience of work in a similar discipline and for the same number of years in the Armed Forces of the Union as prescribed for promotees or transferees.

Explanation—

For the purposes of this rule, in computing the period of three years' service, there shall be added any period of service which an Ex-Serviceman has rendered while serving in a corresponding post or posts in a Civil Department, or a Public Sector Undertaking or an

autonomous organisation, whether under the Central Government or any State Government, or in a Nationalised Bank to the period of service rendered in the Armed Forces of the Union.

7. Amendment of recruitment rules :

All rules regulating the recruitment of persons to Group 'C' and Group 'D' posts and services under the State Government shall be subject to the provisions of these rules and shall be construed accordingly.

8. Interpretation :

If any question arises as to the interpretation of any of these rules, the question shall be decided by the State Government in the Finance Department and its decision shall be final.

9. Submission of Annual Return :

All appointing authorities shall furnish an Annual Return *direct* to the Secretary, Home (Defence) Department, Government of West Bengal, in the matter of absorption of Ex-Servicemen against reserved vacancies under these rules in the forms as given in Appendix-I and Appendix-II to these rules as soon after the 1st of January of every year as possible and by the 1st day of March of the year at the latest.

Appendix—I

Annual Statement showing total number of Government servants in Group 'D' posts and the number of Ex-Servicemen amongst them as on the 1st January of the year.....

Name of the Department.....

Name and address of the Office.....

Group of post	Permanent/Temporary	Total number of employees	Number of Ex-Servicemen	Percentage of Ex-Servicemen to the employees
(1)	(2)	(3)	(4)	(5)

Appendix—II

Annual Return for the Calendar year 19.....

Name of the Department.....

Name and address of the Office.....

Direct Recruitment :

- (1) Group of Post :
- (2) Number of vacancies notified :
- (3) Total number of vacancies filled up :
- (4) Number of reserved vacancies for Ex-Servicemen :
 - (a) Notified (out of column 2)—
 - (b) Actually filled up (out of Column 3)—
 - (c) Short fall, if any—
- (5) Remarks (Reasons for shortfall, if any)—

By order of the Governor,
Sd/-N. K. ZUTSHI,
Jt. Secy. to the Govt. of W. Bengal.

GOVERNMENT OF WEST BENGAL SCHOOL EDUCATION DEPARTMENT

Primary Branch

No. 1057-SE.(Pry)

Dated., Calcutta, the 3.11.95.

From—Sri S. Som,

Jt. Secy. to the Govt. of West Bengal.

To — The Director of School Education, West Bengal.
Subject : Recruitment of Pry. School Teachers in Urdu,
Hindi and Oriya medium school in Calcutta.

The undersigned is directed to refer to memo No. 904/PC dt/ 11.10.95 addressed to the Director of School Education, West Bengal by Chairman, Calcutta Dist. Primary School Council on the above subject and to say that

it appears that different Employment Exchanges have already sponsored the names of 1786 candidates against vacancies in the post of primary school teachers in Urdu, Hindi and Oriya medium schools in Calcutta on the requisition made by Calcutta District Primary School Council vide their letter no. 1044/PC dt. 1.12.93 and that the new recruitment rules as published in Notification No. 768-Edn.(P) dt 22.11.91 being effective now following vacation of the interim order of injunction passed by Hon'ble Mr. Justice Dilip Kr. Basu in C. O. No. 18961 (W) of 1992 by an order/judgement dt. 13.6.95 of the Hon'ble Mr. Justice Shyamal Kr. Sen, a question has come up as to whether the Calcutta District Primary School Council will make recruitment to the existing vacancies in the post of primary school teachers on the basis of the new rules of recruitment as in the said Notification No. dated 22.11.91 or on the basis of old recruitment rules.

The undersigned is directed to say that in the abovementioned case, since the process of recruitment was initiated when the new rules of recruitment as in the said notification dt. 22.11.91 was inoperative and as the said recruitment could not so far be made due to court cases etc., the candidates already so sponsored by the Employment Exchanges should be considered for the purpose of recruitment now on the basis of the new rules as in the said notification dt. 22.11.91 in all respect except the prescribed age limit.

Such recruitment can, however, be made provided there is no limitation imposed by any order passed by any competent Court of Law.

Sd/-S. Som,
Joint Secretary.

GOVERNMENT OF WEST BENGAL

SCHEDULED CASTES & TRIBES

WELFARE DEPARTMENT

Writers' Buildings

No. 346-TW/EC

Dated., Calcutta, the 13.7.94.

M-6/82(I)

NOTIFICATION

WHEREAS "backward classes" has been defined in clause (a) of section 2 of the West Bengal Commissoon for Backward Classes Act, 1993 (West Ben. Act I of 1993) (hereinafter referred to as the said Act), for the purposes of the said Act, to mean such backward classes of citizins other than the Scheduled Castes and the Scheduled Tribes as may be specified by the State Government in the lists ;

And WHEREAS "lists" has been defined in clause (c) of section 2 of the said Act to mean lists prepared by the Government of West Bengal from time to time for purposes of making provision for the reservation of appointments or posts in favour of backward classes of citizens which, in the opinion of the Government, are not adequately represented in the services under the Government of West Bengal, local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the Sate Government, Universities, Colleges affiliated to the Universities, primary, secondary and higher secondary schools and also other educational institutions which are owned or aided by the State Government and also establishments in public sector.

Now, THEREFORE, in pursuance of the provisions of clause (a), read with clause (c), of section 2, and sub-section (2) of section 9, of the said Act, the Governor is pleased hereby to specify in the list below the backward classes for the purposes of the said Act.

List

- | | |
|-------------------|--------------------------|
| 1. Kapali | 8. Teli |
| 2. Baishya Kapali | 9. Napit |
| 3. Kurmi | 10. Yogi—Nath |
| 4. Sutradhar | 11. Goala—Gope |
| 5. Karmakar | 12. Moira—Modak (Halwai) |
| 6. Kumbhakar | 13. Barujibi |
| 7. Swarnakar | 14. Satchasi. |

By order of the Governor,
Sd/- U. K. Roy,
Secretary to the Govt. of West Bengal.

N. B.—More lists are specified in Notifications No. 705-TW/EC/M-6/82(I) dt. 13.12.94 and No. 370-TW/EC dated 12.5.95 at pages.....and.....respectively.

GOVERNMENT OF WEST BENGAL
SCHEDULED CASTES & TRIBES
WELFARE DEPARTMENT
Writers' Buildings

No. 347-TW/EC

Dated., Calcutta, the 13.7.94.

M-6/82(I)

ORDER

WHEREAS by this department notification No. 346-TW/EC dated the 13th July, 1994, backward classes as defined in clause (a) of section 2 of the West Bengal Commission for Backward Classes Act, 1993 (West Ben. Act I of 1993) (hereinafter referred to as the said Act), have been specified in the list as defined in clause(c) of section 2 of the said Act ;

AND WHEREAS in the opinion of the Governor, the said backward classes of citizens are not adequately represented in the services under the Government of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to Universi-

ties, primary, secondary and higher secondary schools and also in other educational institutions which are owned or aided by the State Government and establishments in public sector ;

Now, THEREFORE, in pursuance of the provisions of clause (c) of section 2 of the said Act, the Governor is pleased hereby to make provision for the reservation in services and posts under the Government of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to the Universities, primary, secondary and higher secondary schools, other educational institutions which are owned or aided by the State Government and public sector in favour of the said backward classes of citizens as follows :

(a) 5% of the vacancies in services and posts under the Government of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to the Universities, primary, secondary and higher secondary schools, other educational institutions which are owned or aided by the State Government and public sector to be filled up by direct recruitment shall be reserved for the backward classes of citizens ;

(b) the reservation under clause (a) shall not apply to the persons referred to in column 3 in respect of the categories referred to in column 2, of the Schedule below :

SCHEDULE

Description of category	Persons to whom reservation shall not apply
I. Constitutional Post	Son(s) and daughter(s) of— <ul style="list-style-type: none"> (a) President of India ; (b) Vice President of India ; (c) Judges of the Supreme Court and of the High Court ; (d) Chairman & Members of UPSC and of the State Public Service Commission, Chief Election Commissioner, Comptroller & Auditor General of India ; (e) Persons holding Constitutional positions of like nature.
II. Service Category	
A. Group A/Class I posts included in the All India Service and Central Services and borne on the establishment of the State Government, and State Services (Direct Recruitment)	Son(s) and daughter(s) of— <ul style="list-style-type: none"> (a) parents, both of whom are Class I officers ; (b) Parents, either of whom is a Class I officer ; (c) parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation ; (d) parents, either of whom is a Class I officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc, for a period of not less than 5 years ; (e) parents, both of whom are Class I officers die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had

the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years ; Provided that the exclusion as aforesaid shall not apply in the following cases ;

- (i) sons and daughters of parents either of whom or both of whom are Class I officers and such parent(s) dies/die or suffer permanent incapacitation,
- (ii) a lady belonging to the backward classes category has got married to a Class I officer, and may herself like to apply for a job.

B. Group B/Class II Son(s) and daughter(s) of—

posts included in the Central Services and borne on the establishment of the State Government, and State Services (Direct Recruitment)

- (a) parents, both of whom are Class II officers ;
- (b) Parents, of whom only the husband is Class II officer and he gets into Class I at the age of 40 or earlier ;
- (c) parents, both of whom are Class II officers, and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation ;
- (d) parents, of whom the husband is a Class I officer (direct recruit or pre-forty promoted) and the wife is a Class II officer and the wife dies or suffers permanent incapacitation; and

(e) parents of whom the wife is a Class I officer (direct recruitment or pre-forty promoted) and the husband is a Class II officer and the husband dies or suffers permanent incapacitation ;
 Provided that the exclusion as aforesaid shall not apply in the following cases ;
 sons and daughters of—

- (i) parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation
- (ii) parents both of whom are Class II officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.

C. Public sector
 Undertakings etc.

The criteria enumerated in A and B above in this Category will apply *mutatis mutandis* to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, etc. and also to equivalent or comparable posts and positions under private employment, pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI below will apply to the officers in these Institutions. Son(s) and daughter(s) of parents either or both of whom is or are in the

III. Armed Forces including Para-

Military Forces
(persons holding
civil posts are not
included)

rank of Colonel and above in the Army
and to equivalent posts in the Navy
and the Air Force and the Para-
Military Forces ;

Provided that

- (i) if the wife of an Armed Forces officer is herself in the Armed Forces (i.e., the Category under consideration) the exclusion as aforesaid will apply only when she herself has reached the rank of Colonel ;
- (ii) the service ranks below Colonel of husband and wife shall not be clubbed together,
- (iii) if the wife of an officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No. II in which case the criteria and conditions enumerated therein will apply to her independently.

IV. Posts of Professional Class and Posts in Trade and Industry

A. Persons engaged in profession as a doctor, lawyer, chartered accountant, income-tax consultant, financial or management consultant, dental surgeon, engineer, architect, computer specialist, film artists and other film professional, author, playwright, sports persons, sports professional, media profes-

Criteria specified against Category VI will apply.

sional or any other vocations of like status.

B. Persons engaged in trade, business and industry

Criteria specified against Category VI will apply.

Explanation—

- (i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test will apply only on the basis of the husband's income.
- (ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank post, then the income/wealth criterion will apply only on the basis of the wife's income and the husband's income will not be clubbed with it.

V. Property Owners

A. Agricultural holdings

Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns—

- (a) only irrigated land which is equal to or more than 85% of the statutory ceiling area ; or
- (b) both irrigated and unirrigated land, as follows :
 - (i) the exclusion as aforesaid will apply where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) 40% or more of the statutory ceiling limit for irrigated land (this being calculated by excluding the unirrigated portion). If this pre-condition of not less than 40% exists, then only the area of unirrigated land will be taken into

account. This will be done by converting the unirrigated land on the basis of the conversion formula existing, into irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 80%, or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur,
(ii) the exclusion as aforesaid will not apply if the land holding of a family is exclusively unirrigated.

B. Plantations

- (i) Coffee, tea, rubber. etc.
- (ii) Mango, citrus, apple plantations, etc.

C. Vacant land and/or buildings in urban areas or urban agglomerations

Criteria of income/wealth specified in Category VI below will apply. Deemed as agricultural holding and hence criteria at A above under this Category will apply.

Criteria specified in Category VI below will apply.

Explanation—Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.

VI. Income/Wealth Test

Son(s) and daughter(s) of—

- (a) persons having gross annual income of Rs. 1 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act, 1957 (27 of 1957), for a period of three consecutive years ;
- (b) persons in Categories I, II, III and VA who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/

wealth criteria mentioned in (a) above.

Explanation—

- (i) Income from salaries or agricultural land shall not be clubbed,
- (ii) The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however, so demands, the interregnum may be less.

Note :— Wherever the expression "permanent incapacitation" occur in this Schedule, it shall mean incapacitation which results in putting an officer out of service.

2. This order shall come into force at once :
Provided that nothing in this order shall apply to any vacancy for the filling up of which the process of recruitment has already started before the coming into force of this order.

By order of the Governor,

Sd/- U. K. RAY

Secy. to the Govt. or West Bengal.

GOVERNMENT OF WEST BENGAL
SCHEDULED CASTES & TRIBES
WELFARE DEPARTMENT
Writers' Buildings

No. 705-TW/EC/
M-6/82(I)

Calcutta, the 13.12.1994.

NOTIFICATION

WHEREAS "backward classes" has been defined in clause (a) of section 2 of the West Bengal Commission for Backward Classes Act, 1993 (West Ben. Act I of 1993) (hereinafter referred to as the said Act), for the purposes of the said Act, to mean such backward classes of citizens other than the Scheduled Castes and the Scheduled Tribes as may be specified by the State Government in the lists;

AND WHEREAS "lists" has been defined in clause (c) of section 2 of the said Act to mean lists prepared by the Government of West Bengal from time to time for purposes

of making provision for the reservation of appointments or posts in favour of backward classes of citizens which in the opinion of that Government, are not adequately represented in the services under the Government of West Bengal and any local or other statutory authority within the territory of West Bengal or under the control of the Government of West Bengal ;

NOW, THEREFORE in pursuance of the provisions of clause (a), read with clause (c), of section 2, and sub-section (2) of section 9, of the said Act, and in continuation of notification No. 346-TW/EC/M-6/82(I), dated the 13th July, 1994, the Governor is pleased hereby to specify further in the list below the backward classes for the purpose of the said Act.

List

- | | |
|----------------|---------------------------|
| 1. Malakar | 7. Tamboli/Tamali |
| 2. Tanti | 8. Nagar |
| 3. Kansari | 9. Karani |
| 4. Shankhakar | 10. Dhanuk |
| 5. Keori/Koiri | 11. Sarak |
| 6. Raju | 12. Jolah (Ansari-Momin). |

By order of the Governor,

Sd/- U. K. RAY

Secy. to the Govt. or West Bengal.

GOVERNMENT OF WEST BENGAL

SCHEDULED CASTES & TRIBES

WELFARE DEPARTMENT

Writers' Buildings

No. 261-TW/EC/
M-103/94

Calcutta, the 6.4.1995.

ORDER

WHEREAS by Notification No. 346-TW/EC/M-6/82(I), dated the 13th July, 1994, the Governor has been pleased to specify in the list below the said notification the backward classes for the purpose of the West Bengal Commission for Backward Classes Act, 1993 (West Ben. Act I of 1993) ;

AND WHEREAS by Order No. 347-TW/EC/M-6/82(I), dated the 13th July, 1994 (hereinafter referred to as the said order), the Governor has been pleased to reserve 5% of vacancies in services and posts under the Government of West Bengal and statutory authorities constituted under any State Act, Corporations in which 51% of the paid-up share capitals is held by the State Government, Universities, Colleges affiliated to the Universities, primary, secondary and higher secondary schools, other educational institutions which are owned or aided by the State Government, and public sector undertakings, to be filled by direct recruitment, for the backward classes citizens :

NOW THEREFORE, the Governor is pleased hereby to direct that for the purpose of implementation of 5% reservation quota for the backward classes of citizens in direct recruitment in pursuance of the provisions of the said order, a separate 100-point roster (as per the model 100-point roster annexed hereto) (in which 9th, 29th, 49th, 69th and 89th points shall be reserved for the citizens belonging to backward classes of this State) shall be maintained.

The citizens claiming the benefit of reservation of vacancies in services and posts, as admissible for the members belonging to backward classes in this State, shall produce a certificate for his being a member of backward classes from the competent authority as specified below :

- (a) in the district, the Sub-divisional Officer of the sub-division concerned, and
- (b) in Calcutta, the District Magistrate, South 24-Parganas, or such Additional District Magistrate, South 24-Parganas, as may be authorised by the District Magistrate, South 24-Parganas, in this behalf.

Explanation—"Calcutta" shall mean the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866 (Ben. Act IV of 1866).

Model 100-Point Roster

1.	S.C.	51.	S.C.
2.	General	52.	General
3.	General	53.	General
4.	S.T.	54.	S.T.
5.	General	55.	General
6.	General	56.	General
7.	S.C.	57.	S.C.
8.	General	58.	General
9.	B.C.	59.	General
10.	General	60.	General
11.	S.C.	61.	S.C.
12.	General	62.	General
13.	General	63.	General
14.	General	64.	General
15.	S.C.	65.	S.C.
16.	General	66.	General
17.	General	67.	General
18.	S.C.	68.	S.C.
19.	General	69.	B.C.
20.	General	70.	General
21.	S.C.	71.	S.C.
22.	General	72.	General
23.	General	73.	General
24.	S.T.	74.	S.T.
25.	General	75.	General
26.	General	76.	General
27.	General	77.	General
28.	S.C.	78.	S.C.
29.	B.C.	79.	General
30.	General	80.	General
31.	General	81.	General
32.	S.C.	82.	S.C.
33.	General	83.	General
34.	General	84.	General
35.	General	85.	General
36.	S.C.	86.	S.C.
37.	General	87.	General
38.	General	88.	General
39.	General	89.	B.C.
40.	S.C.	90.	S.C.
41.	General	91.	General
42.	General	92.	General
43.	S.T.	93.	S.T.
44.	General	94.	General
45.	General	95.	General
46.	General	96.	General
47.	S.C.	97.	S.C.
48.	General	98.	General
49.	B.C.	99.	General
50.	General	100.	General

By order of the Governor,
Sd/- U. K. RAY
Secy. to the Govt. or West Bengal.

GOVERNMENT OF WEST BENGAL
SCHEDULED CASTES & TRIBES
WELFARE DEPARTMENT
Writers' Buildings

No. 370-TW/EC/
M-6/82(I)

Calcutta, the 12.5.1995.

NOTIFICATION

WHEREAS "Backward Classes" has been defined in clause (a) of section 2 of the West Bengal Commission for Backward Classes Act, 1993 (West Ben. Act I of 1993) (hereinafter referred to as the said Act), for the purposes of the said Act, to mean such backward classes of citizens other than the Scheduled Castes and the Scheduled Tribes as may be specified by the State Government in the lists ;

AND WHEREAS "lists" has been defined in clause (c) of section 2 of the said Act to mean lists prepared by the Government of West Bengal from time to time for the purposes of making provision for the reservation of appointments or posts in favour of backward classes of citizens which, in the opinion of that Government, are not adequately represented in the services under the Government of West Bengal and any local or other statutory authority within the territory of West Bengal or under the control of the Government of West Bengal ;

NOW, THEREFORE, in pursuance of the provisions of clause (a), read with clause (c), of section 2, and sub-section (2) of section 9, of the said Act, and in continuation of notification No. 705-TW/EC/M-6/82(I), dated the 13th December, 1994, the Governor is pleased hereby to specify further in the list below the backward classes for the purpose of the said Act.

List

1. Roniwar
2. Kosta/Kostha
3. Christians converted from Scheduled Castes.

By order of the Governor,
Sd/- U. K. RAY
Secy. to the Govt. or West Bengal.

GOVERNMENT OF WEST BENGAL
EDUCATION DEPARTMENT
PRIMARY BRANCH
Writers' Buildings

No. 476-Edn(P)
M-6/82(I)

Calcutta, the 24.9.1990.

MEMORANDUM

Under this Department Notification No. 323-Edn(P) dt. 30.6.90 the provision of section 105 of the West Bengal Primary Education Act. 1973 (West Bengal Act XLIII of 1973) came into force in the whole of West Bengal except the areas comprising the District of North 24-Prgs. and South 24-Prgs. and the Hill Areas as defined in the said Act with effect from 2nd July, 1990 and in exercise of the power conferred by sub-section (I) of section 93 of the aforesaid Act an Ad-hoc Committee of the Primary School Council for each district except the districts of South 24-Prgs. and North 24-Prgs. and the Hill Areas as aforesaid has been constituted.

Since there was no District School Board in Calcutta to manage the affairs of the Primary Schools within the jurisdiction of Calcutta Municipal Areas, the recognised Primary Schools located within the Calcutta Municipal Areas were under the direct management of the District Inspector of Schols (PE), Calcutta.

Consequent upon the establishment of a Primary School Council for Calcutta a question has arisen whether or not the recognised Primary Schools located within the Calcutta Municipal Areas, the approved expenditure of which is entirely borne by the State Government should come under the control of the Calcutta Primary School Council.

After careful consideration of the matter, the Governor has been pleased to advise that the management and control of all the recognised Primary Schools within the Calcutta Municipal Areas, now under the direct management of District Inspector of Schools (PE), Calcutta, the pay and allowances of which are borne entirely by the State Government, be taken over by the Calcutta Primary School Council in terms of the provision of section 98 of the West

Bengal Primary Education Act, 1973 as amended by section 22 of the West Bengal Primary Education (Amendment) Act, 1980. Similar primary schools under the direct management of the District Inspector of schools (Primary), the entire authorised expenditure of which is borne by the State Government in other districts for which a District Primary School Council has been set up, be similarly taken over by the District Primary School Council concerned under section 22 of the West Bengal Primary Education (Amendment) Act, 1980.

The D.A. getting Primary Schools or other Primary Schools in respect of which the entire expenditure is not borne by the Govt. of West Bengal shall not be covered by such arrangement as aforesaid.

Sd/- H. P. MUKHOPADHYAY
Joint Secretary.

WEST BENGAL
BOARD OF PRIMARY EDUCATION

84, Sarat Bose Road, Calcutta-26.

No.WBBPE/423/(15)/92-93 Dtd., Cal., 14.5.1992.

From—The Secretary,
West Bengal Board of Primary Education.

To — The Chairman, Ad-hoc Committee
.....District Primary School Council,

.....
.....
*Sub : Rational deployment of teachers
in Primary Schools.*

Sir/Madam,

In continuation of this Board's Memo. No. WBBPE/95(15)/90-91 dated 16.1.91 I am directed by the President of the Board to inform you as follows :

It has come to the knowledge of the Board that there are surplus teachers in quite a number of primary schools in the state whereas a sizeable number of such schools

suffers from acute shortage of teachers detrimental to the interest of education of the learners in these schools. The situation has, of late, further aggravated because of recent drive for universal enrolment in primary schools as a part of total literacy programme launched under the aegis of National Literacy Mission and the State Government. The Board has also noticed that during the last two decades or more the State Govt. have issued quite a number of orders and instructions for rational deployment of teachers in primary schools.

It is, thus, necessary that the following steps be taken immediately in the interest of the education of the learners in the primary schools.

1. Surplus teachers of a primary school under the control of a District Primary School Council can be withdrawn and be posted in any other school under its control where there are vacancies according to the existing teacher pupil ratio (1:40). In determining this ratio the Council, if felt necessary, may verify the actual enrolment of the school. In case of primary schools fully managed by the Council such orders of withdrawal and posting shall be issued by the Council ; whereas in case of primary school, managed by Managing Committees, where posts of teachers are approved by the Council or the District Inspector of Schools (Primary Education) and the teachers are placed by the Council or the District Inspector of Schools (Primary Education) from the panel prepared by it or the Urban Advisory Committee such orders shall also be issued by the Council with (1) intimation to the Managing Committee for withdrawal and (2) instruction to the Managing Committee to issue letter of appointment within a specific period of time in case of posting.
2. Each Council shall prepare two circle-wise lists, List No. 1 showing the names of schools having surplus teachers with number of such surplus teachers in each and List No. 2—showing the names of schools showing shortage of teachers with number of vacancies in each.

3. The Surplus teachers may be given option to choose, within a specific period of time, three names of schools from List No. 2, in order of priority, for being posted.
4. In the event of non-receipt of any choice within the specified period of time the Council may direct the juniormost teacher(s) of a school in List No. 1 to join a particular school of List No. 2 within a specified period of time. In this section the seniority of a teacher will be determined by the period for which the teacher is in Council's service and not the service in the school from which he will be withdrawn.
5. Such teacher shall submit the joining report, within three days of joining, to the Sub-Inspector of Schools through the Head Teacher with a copy to the Council.

This procedure shall remain in force till the publication of any rules or orders by the Government or the Board in this respect.

Immediate steps should be taken for rational deployment of teachers in the above lines with intimation to this Board.

Yours faithfully,

Sd/- A. K. DAS

Secy. West Bengal Board of Primary Education.

N.B.—For inter-district transfer vide Board's notification No. 230/91-92 dated 2.11.91.

**WEST BENGAL
BOARD OF PRIMARY EDUCATION**

84, Sarat Bose Road, Calcutta-26.

No. 230/91-92

Dated Calcutta, 2.11.91.

NOTIFICATION

The following are the Principles and Procedures for Transfer of a Teacher or a non-teaching staff in a Primary School within the jurisdiction of one Primary School Council to a Primary School within the jurisdiction of another Primary School Council set by the West Bengal Board of Primary Education for the purpose of clause (k) of section 19 of the West Bengal Primary Education Act, 1973.

All transfers between any two Councils will be guided by these Principles and Procedures.

The Board is not contemplating, at this stage, a regular practice of transferring Primary teachers from one Primary School Council to another Primary School Council.

Primary Teachers are appointed by District Primary School Councils/District School Boards from among candidates of the concerned districts against posts sanctioned separately to each district by the State Government.

Transfer of a Primary Teacher may be considered and effected by the Board in the interest of Primary Education if and when the Board is of the opinion that such transfer is necessary.

In extreme cases of urgency with regard to the following category of teachers, a limited number of applications from Primary Teachers posted in schools under one District Primary School Council seeking transfer to a school under another District Primary School Council, may be considered on the basis of the following principles.

Principle

1. a) A Primary teacher who has recently become a widow/widower but has to maintain her/his children single-handed desiring to be transferred to a place where she/he can live with her/his near relatives ;
- b) A Primary teacher who is to retire from service within a year from the date of application and has no one to support him/her in the place of his/her present posting, desiring to be transferred to a place where he/she can live with his/her near relatives ;
- c) A Primary teacher who is married to a person who is compelled to live in a distant place from where daily commuting to his/her present school of posting is not possible, desiring to be transferred to the place where he/she can live with his/her wife/husband ;
- d) Other cases considered to be extremely urgent by the Board.

2. In all cases of transfer of Primary teachers, fresh appointment letters are to be issued by the Council to which the teacher is transferred. The continuity of service of such teachers will be protected. The seniority of service of such a teacher will, however, be counted from the date of his joining the new post.
3. In all such cases of transfer the Board shall see, as far as possible, to effect a virtual exchange of teachers between District Primary School Councils on one to one basis.
4. Proposals of such application will be forwarded to the Board by the Councils as per instructions and directions of the Board.
5. A teacher seeking transfer shall apply to the Board through the respective District Primary School Council stating reasons for his/her seeking such transfer and specifying the district and the circle where he/she wants to get placed.
6. A teacher may be posted in a particular primary school on transfer only if the effective roll strength of the primary school justifies the posting of a teacher.
7. Posting of teachers on transfer may be effected generally at the end of the academic year.
8. A Council, in forwarding cases of transfer to other Councils, will be ready to accept as many transfer-ees from the accepting Councils as they offer to transfer. The vacancy caused out of such transfer may be left vacant at least for three months and if within that period no teacher is transferred to the Council from another district the vacancy may be filled up as a normal vacancy subject to justification of roll strength.
9. A teacher should not enjoy the opportunity to get transferred to a district of choice too often. A teacher should get not more than two such opportunities in his/her service career.
10. Applications of transfer may be accepted or rejected by the Board and such decisions of the Board will be final.

11. If such applications are too many in the opinion of the Council, it may ask for directions of the Board as to how to deal with them. The Board may direct Councils how to screen such applications in such case.
12. A Council, of its own, may propose transfer of individual teachers to other Councils if in its opinion there is sufficient ground to do so. Such proposals, stating specific reasons and justifying the grounds, will be sent to the Council where such transfer is proposed. The latter Council will forward the proposal with its comments to the Board for decision.
13. In exceptional case the Board may of its own transfer a teacher from one Council to another by an order stating specific reasons and justifying the grounds for such order with intimation to the concerned Councils.
14. The Board may, after considering the urgency of the situation transfer one or more teachers from one Council to another, temporarily, in the interest of Primary Education of the State stating reasons.
15. Number of Inter-Council transfer, must not exceed 10% of the total number of the normal vacancies occurring under each Council in the academic year. The accepting Council will see to that and in forwarding such case should indicate clearly to the Board that such acceptance does not exceed 10% of the normal vacancies in one academic year.
16. In effecting such transfer the Board will have to see that such transfers do not adversely reduce or increase the number of teachers in a particular District Council.

Procedure

1. The Council from which transfer is sought, after receiving such application from the incumbent concerned, will consider the matter and record the Council's opinion and forward the case to the Council to which transfer is sought, for their comments

and onward passing of such papers to the Board for decision.

2. While the matter is being considered the Councils will specifically note the following :—
 - a) The age of the teacher and length of service as a confirmed teacher.
 - b) The reason for which such transfer is sought.
 - c) The Offering Council shall state if such transfer will not cause any difficulty or inconvenience to the school where the teacher is posted for the time being and to the Council in general.
 - d) The accepting Council shall also specifically note if the transfer would cause any inconvenience or difficulty.
3. All Councils should keep a record of teachers transferred from the Council to other Councils and to the Council from other Councils.
4. In agreeing to the proposal of transfer the Council to which the teacher is being transferred must clearly indicate that there is sanctioned vacancy where the teacher may be posted mentioning specifically the cause of such vacancy.
5. All applications for transfer to other district be channeled through the Sub-Inspector of Schools of concerned Circle from where the teacher wants to be transferred. The Sub-Inspector of Schools must indicate, in brief, the service record of the teacher specifically indicating if the teacher was previously posted on transfer from another Council and forward the same to the Council of his/her district.
6. The Board after receiving such proposal endorsed by both the offering Council and accepting Council, will consider the matter and may ask for further clarifications and accept, modify, reject, postpone the matter by specific order of the President and cause the order to be effected with intimation to the Councils.

7. When a Council, of its own, desires to transfer a teacher to another Council, the proposal will be initiated by the Council in consultation with the District Inspector of Schools (Primary Education) and must be signed by the Chairman.
8. Applications of transfer, in Proforma-I, from a teacher, will be addressed to the Secretary, West Bengal Board of Primary Education through proper channel. It is to be submitted to the Sub-Inspector of Schools of the concerned Circle who will pass it on with his comments to the Secretary, District Primary School Council. Thereupon the Secretary will place the matter before the Chairman, District Primary School Council. If the Chairman decides in favour of the applicant, the matter will be passed on with necessary information to the Chairman of the Council where transfer is sought for. The Chairman of the Council where the transfer is sought for, after getting the views of the Council will send the proposal (in Proforma-I) to the Secretary of the West Bengal Board of Primary Education stating clearly that they are ready to accept the teacher on transfer. The Secretary of the Board will place the matter before the President for orders.
9. All such proposals and applications shall specifically mention the following words in bold type : **'INTER-COUNCIL TRANSFER'**.
10. On receipt of the communication from the Board the accepting Council will issue a letter of appointment. in Proforma-II, with copies to the offering Council and the Board. The appointment letter should specify the date, which should not be later than thirty days from the date of issue of the letter, by which the teacher should join the new post.
11. The offering Council, on receipt of intimation from the accepting Council, shall release, in writing, in Proforma-III, the teacher to enable him/her to join the new post by the specified date and shall forward to the accepting Council the Service Book of the

teacher after verifying the services rendered by him/her and duly countersigned by the proper authority.

12. a) A primary teacher, when transferred, shall be entitled to enjoy joining time in the following manner (the distances referred to below being the same between the office of the educational Circle where from the teacher is transferred and the Circle office where the teacher will join)

Distance	Joining Time
Upto 30 km.	1 (one) day
Above 30 km. to 150 km.	2 (two) days
Above 150 km.	3 (three) days

- b) Salary for the joining period shall be paid by the Council where the teacher is transferred.
- c) No teacher, on transfer, will be entitled to T. A. and D. A. for this purpose.
13. In all such cases of transfer the total amount of Provident Fund contribution of the teacher along with interest shall be sent to the accepting Council by the offering Council by a crossed Bank Draft. The accepting Council shall deposit the same amount to the Provident Fund Accounts under its control within a week of the joining of the teacher in the new post.
14. Above Principles and Procedures shall also apply to the non-teaching staff in primary schools.

Sd/- A. K. DAS
Secy., West Bengal Board of Primary Education.

(PROFORMA—I)

To
The Secretary,
West Bengal Board of Primary Education,
84, Sarat Bose Road, Calcutta-26.

(Through Proper Channel)

Circle :

District :

Sir,

I, Shri/Smt.....Asstt. Teacher/
Head Teacher,.....Primary
School, P. O.under.....Circle
of.....District Primary School Council seek transfer
to.....Circle of.....District Primary
School Council on following grounds. (A separate sheet may
be used, if necessary).

Date :

Signature of the applicant.

N.B. If the application is 1:1 basis between two districts, the applicant should mention in the above blank space mentioning the ground meant for transfer, the name of the teacher with school and its address, of other district.

(Comments of the S.I. of Schools of the concerned Circle)

- | | | |
|----|--|---|
| 1. | Age of the applicant teacher
(on the date of application) | : |
| 2. | Date of his/her first appointment | : |
| 3. | Length of the service as a
confirmed teacher. | : |
| 4. | Roll strength of the school of
the applicant teacher. | : |
| 5. | Whether he/she was previously
posted on transfer ? | : |

6. No. of approved teachers now at work in the school (including the applicant). :
 7. Any other information :
 8. R e m a r k s :
- Memo No...../date...../

Forwarded to the Secretary,District
Primary school Council for necessary action.

.....
Signature of S. I. of Schools,
.....Circle
with office seal and P.O.

(Comments of the Secretary of the offering Council)

Forwarded to the Chairman,.....District
Primary School Council, P.O....., Dist.....

Secretary,

Date :District Primary School Council.

Memo No...../date...../

Forwarded with recommendation to the Chairman
(Accepting).....District Primary School for
necessary action.

Chairman,

Date :District Primary School Council.

(Comments of the Accepting Council)

1. Name & full postal address of the School where the teacher is to be posted. :
2. Roll strength of this school :
3. No. of teachers now at work in this school. :
4. No. of teachers will be, if the applicant teacher is appointed on transfer. :
5. Whether recommended or not ? :
6. Grounds, if not recommended. :
7. Date of the Council Meeting where decision was taken. :

Memo No...../date...../

Forwarded to the Secretary, West Bengal Board of Primary Education, 84, Sarat Bose Road, Calcutta-26.

Date : Chairman,
.....District Primary School Council.

- N.B. 1.** The applicant shall submit his/her application through proper channel with an advance copy of the application to the West Bengal Board of Primary Education direct.
2. Both the Councils (releasing and accepting) shall not submit proposals to the Board if the same are not justified by the effective teacher-pupil ratio of the schools concerned.
3. The application for transfer will be considered by the Board only when the same is received through proper channel.

(PROFORMA—II)

OFFICE OF THE

.....DISTRICT PRIMARY SCHOOL COUNCIL.

Memo No...../ Dated,.....,the...../

1. Sri/Smt.....
Asstt. Teacher of..... Primary
School, P.O.....under.....District Primary
School council is hereby appointed on transfer to act
as Asstt. Teacher in.....Primary School,
P.O.....under.....District Primary School
Council, in response to his/her application
dated.....duly approved by the West Bengal
Board of Primary Education in terms of its letter
No.....dated.....
2. The continuity of his/her service will be protected
and the seniority of his/her service, however, will be
counted from the date of his/her joining the above
post.
3. He/She should join the above post by.....and
should report to the Sub-Inspector of Schools
of.....Circle for such joining.
4. He/She should join the new post with the release
order from the Chairman of the offering Council.

Chairman,

Date :District Primary School Council.

Memo No...../ Dated,.....,the...../

Copy forwarded to :—

1. Sri/Smt.....Asstt.
Teacher.....Primary School,
P.O.....,District.....with the re-
quest to join by.....
2. The Chairman,District Primary
School Council, P.O., Dist.....for
information.

3. The Secretary, West Bengal Board of Primary Education, 84, Sarat Bose Road, Calcutta-26.
4. The Sub-Inspector of Schools,Circle,
P.O....., Dist.....for information and necessary action.

Chairman/Secretary,

Date :District Primary School Council.

(PROFORMA—III)

.....DISTRICT PRIMARY SCHOOL COUNCIL.

Memo No...../ Dated,.....the...../

Release Order

Sri/Smt.....
Asstt. Teacher of.....School is hereby
released on.....in the fore-noon/after-noon to
(date)

enable him/her to join.....School in terms of Memo
No.....dtd.....of the.....District Primary
School Council.

Chairman,

Adhoc Committee,

Date :District Primary School Council.

(Last Pay Certificate)

1. Last pay drawn by the teacher.....
2. Date of next increment.....
3. Account of leave taken by the teacher during the
year.....
4. Deductions to be made from the monthly pay bills-
 - i)
 - ii)
 - iii)

Chairman,

Adhoc Committee,

Date :District Primary School Council.

Memo No...../ Dated,.....,the...../

Copy forwarded for information and necessary action to :—

1. Sri/Smt.....
2. The Chairman,.....District Primary School Council, P.O., Dist.....
3. The Sub-Inspector of Schools,.....Circle, P.O.....Dist.....
4. The Secretary, West Bengal Board of Primary Education, 84, Sarat Bose Road, Calcutta-26.

Chairman,

Adhoc Committee,

Date :District Primary School Council.

Government of West Bengal
Education Department
Primary Branch
Writers' Buildings, Calcutta

No. 352-Edn. (P)
3P-24/92

Dated Calcutta, the 15th April, 1992

Notification

In exercise of the power conferred by sub-section (1) of section 66 of the West Bengal Primary Education Act, 1973 (West Ben. Act XLIII of 1973), the Governor is pleased hereby to order that with effect from the 15th day of April, 1992 all primary schools in a Municipality under the scheme sanctioned under the West Bengal Urban Primary Education Act, 1963, since repealed, together with their lands, buildings and other properties, movable or immovable, vested in or under the control of the Commissioners of such Municipality immediately before the date mentioned above shall stand transferred to, and all teachers and other staff employed in such primary schools and continuing in office immediately before the date mentioned above shall be deemed to be employed by, the Primary School Council established for the district.

By order of the Governor,
Sd/- H. P. Mukhopadhyay,
Jt. Secy. to the Govt. of West Bengal

List of Municipalities where Free Primary Education was introduced under the scheme sanctioned under the West Bengal Urban Primary Education Act, 1963 since repealed. Schools under above scheme have been transferred to the District Primary School Council concerned w.e.f. 15th day of April, 1992 under the power conferred by sub-section (1) of sec. 66 of the West Bengal Primary Education Act, 1973 (West Bengal Act XLIII of 1973)

Sl. No.	Name of the Municipality	District
1.	Arambag Municipality	Hooghly
2.	Katwa Municipality	Burdwan
3.	Coochbehar Municipality	Coochbehar
4.	Khardah Municipality	24-Parganas
5.	Ghatal Municipality	Midnapore
6.	Jangipur Municipality	Murshidabad
7.	Taki Municipality	24-Parganas
8.	Darjeeling Municipality	Darjeeling
9.	New Barrackpore Municipality	24-Parganas
10.	Bankura Municipality	Bankura
11.	Bishnupur Municipality	Bankura
12.	Bolpur Municipality	Birbhum
13.	Sreerampore Municipality	Hooghly
14.	Sonamukhi Municipality	Bankura

West Bengal Board of Primary Education

84, Sarat Bose Road, Calcutta-700 026

No. 687/BPE/96
11P-1/93

Dated, Calcutta the 26th Aug. '96

Notification

The President, West Bengal Board of Primary Education has been pleased to order inclusion, in the principles and procedures laid down in the Notification No. 230/91-92 dated 2. 11. 91 in regard to inter-district transfer of teachers or non-teaching staff of primary schools, of a new principle, as per resolution No. 8 (a) adopted in the Annual General Meeting of the Board on 6. 8. 96, namely Principle No. 17, which reads as follows :

"17. The opportunity of inter-district transfer may be extended to a primary school teacher only after completion of his/her service for, at least, two years, that is, after his/her confirmation as a primary teacher, in the district concerned."

By order of the President,

Sd/- S. C. Bhakta,

Secretary,

West Bengal Board of Primary Education

GOVERNMENT OF WEST BENGAL

Labour Department

Employment Cell

No. 319-Emp/2E-103/95

Dated, the 30th July, 1996

From : The Assistant Secretary to the Government of West Bengal.

To : The Director of Employment, West Bengal
67, Bentinck Street, Calcutta-700 069

Sub. : Submission of candidates having experience in adult education non-formal education on priority basis against vacancies for untrained teachers.

Sir,

In inviting reference to your letter No. 3E-261/95/25, 885A (2), dated 28-9-95 on the above mentioned subject, I am directed to say that Directorate Circular in the matter, vide DNES/SI. No. 1/1987 has become inoperative after publication of the Rules of Recruitment and leave of Teacher in Primary Schools in West Bengal, vide Education Deptt. Notification No. 768-Edn.(P), dated 22-11-91 as there is no such provision in the said Rules.

I am, therefore, directed to request you kindly to issue necessary instruction in the matter to all concerned.

Yours faithfully,

Assistant Secretary

Government of West Bengal
Directorate of Employment, West Bengal
Directorate of Employment Sl. Instruction- 1/87

To

All Employment Officer (s) in the State of West Bengal.

The matter whether candidates having experience in adult education and non-formal education will get priority for submission from Employment Exchange for the posts of Teacher (Untrained), was being examined for sometime past.

2. The State Govt. in the Labour Deptt. has since decided that candidates who are registered with Employment Exchanges and have experience in adult education and non-formal education organised by institutions/organisations authorised by the State Government, may be sponsored on priority basis against vacancies for the posts of Teachers (Untrained) on condition that these candidates do possess the minimum qualification and have recorded their above experience in the Employment Exchanges.

3. Action may be taken accordingly while sponsoring candidates for the posts of teachers (Untrained).

[Issued from 3E-3/86/Howrah/13319-385 dt. 23. 4. 87.]

Reportable-736/96

IN THE SUPREME COURT OF INDIA
Civil Appellate Jurisdiction

Civil Appeal No. 4195 of 1994 etc.

(From the Judgement and Order dated 28. 6. 93 of the
Calcutta High Court in A. No. 367 of 1991)

State of West Bengal & Ors. etc.	...	Appellants
versus		
Monirujjaman Mullick & Ors. etc.	...	Respondents

The 19th day of July, 1996

Present :

Hon'ble Mr. Justice Kuldeep Singh
Hon'ble Mr. Justice S. Saghir Ahmed

D. P. Gupta, Solicitor General, M. S. Gujral, J. K. Mitter, Sr. Advs., Syed Ali Ahmad, Mohan Pandey, J. Kar, Rana Mukherjee, Goodwill Indeevar, R. N. Tripathi, Ms. Sarla Chandra, Vijay Panjwani and Ms. Indira Sawhney, Advs. with them for the appearing parties.

JUDGEMENT / ORDERS

The following Judgement/Order of the Court was delivered :

IN THE SUPREME COURT OF INDIA

Civil Appellate Jurisdiction

Civil Appeal No. 4195 of 1994

State of West Bengal & Ors.	...	Appellants
versus		
Monirujjaman Mullick & Ors.	...	Respondents

JUDGEMENT

Kuldip Singh. J.

Monirujjaman Mullick and other private respondents, in the appeal herein were working as Instructors in various non-formal education centres in different districts in the State of West Bengal. They approached the High Court by way of a petition under Article 226 of the Constitution of India seeking a direction-- based on the principle of "equal pay for equal work"-- that they were entitled to the same scales of pay and allowances as were admissible and being paid to the primary school teachers. A learned single Judge of the High Court allowed the writ petition. Appeal filed by the State of West Bengal was disposed of with the following directions :

The writ petitioners who are not in regular employment elsewhere and who have the minimum qualification prescribed for the primary school teachers are entitled

to the same scale of pay and allowances as admissible to the primary school teachers from the date of their initial appointment and further that they are also entitled to annual increments in the pay-scale in accordance with law ; but their claim for absorption in the department as regular primary school teachers cannot be sustained and therefore stands rejected.

It is made clear that the services of such non-formal teachers will be liable to stand automatically terminated as and when the non-formal education scheme is discontinued in this State.

Persons similarly placed should also be given the same benefit to avoid further litigation in regard to the self-same issue."

This appeal by the State of West Bengal is against the judgement of the learned single Judge and of the Division Bench of the High Court dated June 28 of 1993.

We may briefly state the facts of the case. Government of India introduced a scheme in the year 1974-75 for imparting non-formal education to the children in the age group of 9/11 years who were either school drop-outs or did not go to school. The scheme provided for the opening of non-formal education centres (part-time) by the State Government with the help of Central Government grant. West Bengal Government took a policy decision on December 8, 1978 to implement the scheme. Subsequently the State Government formulated a new scheme regarding non-formal education, which became operative with effect from October 4, 1989. The non-formal centres were part-time institutions. The instructors were given a fixed honorarium of Rs. 105/- per month at the primary level and Rs. 125/- per month at the upper primary level. Persons with a motivation to serve the community--particularly the weaker sections-- were appointed instructors. They were required to teach the children for two hours a day. The centres were run by the Panchayat Samities in rural areas and by the Municipal Commities/Corporations in urban areas. There were no

specific buildings or sites for the centres. The instructors could use any site or building belonging to a social organisation or a local authority.

The Division Bench of the High Court applied the doctrine of "equal pay for equal work" on the following reasoning :

"From the booklet published and distributed by the Primary Education Directorate regarding formal (Prathamik Siksha) and non-formal (Bidhimukta Siksha), it appears that the purposes of both the streams being to help attain human values through practical literacy in language, elementary arithmetic, awareness for maintaining personal and public health and good environment, social awareness, scientific outlook to get rid of prejudices etc., the syllabus and the books prescribed for formal and non-formal education are almost same with the ultimate goal of equipping the boys and girls for entry into class V in regular High or Junior High School.

It is thus clear and we are also of considered opinion that neither stream is inferior to the other and that the duties, functions and responsibilities of the teachers of the formal and non-formal education are alike, if not heavier on the side of the non-formal stream."

Mr. Dipankar Gupta, learned Solicitor General, appearing for the State of West Bengal has contended that the non-formal education centres were not a part of the regular educational system of the State of West Bengal. These centres were started under a policy decision of the Central Government which was implemented by the State of West Bengal to help educate the children belonging to weaker sections of the society. These centres were part-time by nature and the instructors were paid an honorarium. They were not appointed to a regular pay scale and were not paid any salary. Even the teaching in the centres was not for a full educational-day, it was only for two hours. According to

Mr. Gupta when the scheme provided for two hours of non-formal teaching at the part-time centres by the part-time instructors, who were paid a mere honorarium the High Court was not justified in enlarging the scope of the scheme in the exercise of its power of judicial review under Article 226 of the Constitution of India. Mr. Gupta relied upon the judgement of this Court in Delhi Development Horticulture Employees Union Vs. Delhi Administration, Delhi and Ors. (1992) 4 SCC 99. P. B. Sawant, J. speaking for the Court observed as under :

"Those employed under the scheme, therefore, could not ask for more than what the scheme intended to give them. To get an employment under such scheme and to claim on the basis of the said employment a right to regularisation, is to frustrate the scheme itself. No court can be a party to such exercise. It is wrong to approach the problems of those employed under such scheme with a view to providing them with full employment and guaranteeing equal pay for equal work. These concepts in the context of such schemes are both unwarranted and misplaced. They will do more harm than good by depriving the many of the little income that they may get to keep them from starvation. They would benefit a few at the cost of the many starving poor for whom the schemes are meant. That would also force the State to wind up the existing schemes and forbid them from introducing the new ones, for want of resources."

We are of the view that the non-formal educational centres cannot be equated with the primary schools which are regularly run by the Education Department of the State Government. Apart from the basic qualitative differences between the two institutions even the nature of work of the non-formal instructors and the primary school teachers is not identical. The method of appointment, the source of recruitment, method of teaching and the mode of payment are entirely different. In the facts and circumstances of this case the High Court fell into patent error in applying the principle of "equal pay for equal work".

The appeal is allowed and the judgement of the learned single Judge of the High Court and the impugned judgement of the Division Bench of the High Court are set aside. The writ petitions filed by the respondents before the High Court shall stand dismissed. No costs.

All the I. As are disposed of.

.....J
(Kuldip Singh)

.....J
New Delhi, July 19, 1996 (S. Saghir Ahmad)

IN THE SUPREME COURT OF INDIA

Civil Appellate Jurisdiction

Civil Appeal No. 9395 of 1996

(Arising out SLP (C) No. 22561 of 1994)

State of West Bengal & Anr. ...Appellants
Versus

The West Bengal Non-formal Education Centres Teachers' Association & Ors. ...Respondents

O R D E R

Special leave granted.

We have, by a separate judgement pronounced today, allowed Civil Appeal 4195 of 1994 State of West Bengal & Ors. vs. Monirujjaman Mullick & Ors. and have set aside the Division Bench judgement of the Calcutta High Court (State of West Bengal vs. Monirujjaman Mullick 97 CWN 1075).

We therefore, allow the appeal and set aside the impugned judgement of the Division Bench of the High Court which is based on Monirujjaman's case. No costs.

.....J
(Kuldip Singh)

.....J
New Delhi, July 19, 1996 (S. Saghir Ahmad)

Civil Appeal No. 4194 of 1994

...Appellant

Vessus

...Respondents

ORDER

We have by a separate judgement pronounced today in C. A. 4195 of 1994, set aside the Division Bench judgement of the Calcutta High Court in State of West Bengal vs. Monirujjaman Mullick & Ors. (reported in 97 CWN page 1075). This appeal has been filed by the non-formal education teachers association against the Monirujjaman's case. This appeal has become infructuous and as such is dismissed.

.....J
(Kuldip Singh)

.....J
(S. Saghir Ahmad)

New Delhi, July 19, 1996

GOVERNMENT OF WEST BENGAL

Education Department

Primary Branch

No. 41-Edn (P)
5C-1/81

Dated Calcutta, the 21st January., 1983

From : Shri N. C. Mukherjee

Shri N. C. Mukherjee
Deputy Secretary to the Govt. of West Bengal

To : The Director of Primary Education, West Bengal

Subject : Appointment of teachers in Junior Basic
Schools in rural areas.

Ref. : His office Memo No. 1232-Sc/P dt. 3.5.82.

The undersigned is directed to say that it has been decided by Government that appointment of teachers for Junior Basic Schools run by the Voluntary Organisations in rural areas shall be made out of the panel for recruitment

of primary school teachers prepared by the District School Boards concerned. The Managing Committees of such schools will obtain names of candidates from the District School Boards' and appoint teachers from amongst them with the approval of the District Inspector of Schools (P) concerned on observance of usual procedure.

The District Inspector of Schools (P) may be informed accordingly.

Sd/-

Deputy Secretary

GOVERNMENT OF WEST BENGAL

School Education Department

Primary Branch

Bikash Bhavan, Salt Lake, Calcutta-91

No. 25-SE (Pry.)

10M-224/94

Dated Calcutta, the 13th Jan.' 97

From : Shri S. Som

Joint Secretary to the Govt. of West Bengal

To : The Director of School Education
Govt. of West Bengal

Sub. : Making over the control of 16 schools presently under the management of District Inspector of Schools (PE), Purulia, to the D.P.S.C., Purulia and creation of 56 posts of primary teachers in those schools.

Ref. : His office No. 636-SC/P, dt. 08. 04. 96

With reference to above the undersigned is directed to say that as a result of transfer of areas under the Bihar and West Bengal Transfer of Territories Act, 1956 from the erstwhile Manbhum District and Barabhum thana of Bihar to constitute the Purulia District of West Bengal, 16 Govt. Senior/Junior Basic Schools which were under the control of the District Education Administration, Govt. of Bihar, had come under the administration and control of the District Inspector of Schools, Purulia, alongwith the 59 teachers whose services were retained by the Govt. of West Bengal.

2. Out of the 59 teachers, as stated above, 57 have already retired by 15. 1. 1996 and those posts of teachers have been still lying vacant. Thus most of the schools are teacherless and have become non-functioning, which has been affecting the facility of primary education in the said area.

3. Now, after careful consideration and in the interest of promoting the facility of primary education among the children of the said area, the Governor has been pleased to transfer the management and control of the 16 (sixteen) schools, as shown in the annexure, from the District Inspector of Schools (Primary Education), Purulia to the District Primary School Council, Purulia, with a view to run the same as primary schools.

4. The Governor is also pleased to transfer the existing 2 (two) teachers, who were transferred from Govt. of Bihar to Govt. of West Bengal as a result of transfer of territory, to nearby Govt. Primary Schools in their existing scales of pay.

5. The Governor is further pleased to create 57 posts of primary school teachers in the scale of pay Rs. 1040-25-1215-30-1485-35-1590-40-1670-50-1920/- (trained Matriculate/School Final/Madhyamik passed or equivalent) or in other lower scales of pay, as admissible, in 16 schools, as shown in the annexure, under the District Primary School Council, Purulia, by abolition of the existing 57 posts of teachers in those 16 Senior/Junior Basic Schools.

6. This order issues with the concurrence of the Finance Deptt. vide there U.O. No. 2269 Group 'B' dt. 03. 12. 1996.

7. All concerned are being informed.

Sd/-
Joint Secretary

ANNEXURE

1. Belguma Senior Basic School
 2. Janardandih Senior Basic School
 3. Nanduka Senior Basic School
 4. Bittora Senior Basic School
 5. Dhaksila Senior Basic School
 6. Lakhanpur Senior Basic School
 7. Jalajuri Senior Basic School
 8. Tantan Senior Basic School
 9. Kutidih Senior Basic School
 10. Phuljhore Senior Basic School
 11. Chirudih Senior Basic School
 12. Beldih Senior Basic School
 13. Durma Senior Basic School
 14. Sanka Junior Basic School
 15. Nalkuri Junior Basic School
 16. Mahidih Junior Basic School.
-

GOVERNMENT OF WEST BENGAL

Education Department

Primary Braanch

Bikash Bhavan, Salt Lake

No. 611-Edn. (P)

Cal. the 16th Sept. 1993

MEMORANDUM

At present an employee of the District School Board/
District Primary School Council/West Bengal Board of Pri-
mary Education cease to earn, in terms of Memorandum No.
891-Edn. (P) dt. 3.12.1983 read with Rule 7 of the Rules
governing the leave of the Staff/District School Boards
issued under Notification No. 103-Edn. (P) dt. 11.3.1987,
leave when earned/leave due to them accumulates to 180
days.

2. The question of extending the benefit of accumulation of earned leave to 240 days, as admissible to the employees of Govt. of West Bengal, also to the staff of the District School Board/District Primary School Council/West Bengal Board of Primary Education has been engaging the attention of the Government for sometime past. After careful consideration of the matter, the Governor has been pleased to decide that the employees of the District School Board, Dist. Primary School Council and Board of Primary Education may be allowed to accumulate earned leave up to 240 days to their credit with effect from 1. 9. 1993.
3. The other provisions as contained in Memo No. 891-Edn. (P) dated 3. 12. 1983 regarding cash equivalent of leave salary in respect of the above categories of employees will however remain unaltered.
4. This order issues with the concurrence of the Finance Department vide their U.O. No. Group-P (Service) No. 3037 dt. 3. 9. 1993.
5. Necessary amendments to the relevant rules will be made in due course.

Sd/- S. Som
Joint Secretary

GOVERNMENT OF WEST BENGAL

Education Department

S. E. (Budget) Br.

Bikash Bhaban, Salt Lake City, Calcutta-91

No. 124-S.E. (B)

1M-32/95

Calcutta, the 4th September, 1995

M E M O

The West Bengal Primary Education Act 1973 came into effect from 2. 7. 90. Erstwhile District School Boards (D. S. Bs) were redesignated as District Primary School Councils (DPSCs) through reconstitution under the said Act for all the Districts of West Bengal except the hilly areas of Darjeeling District. For Siliguri Sub-division of Darjeeling District a Sub-divisional Primary School Council (to be regarded as a DPSC as per the said Act) was constituted under the said Act.

The West Bengal Board of Primary Education (W.B.B.P.E.) was constituted under the said Act to function as the apex body of the District Primary School Councils besides other functions as per the said Act.

For some time past the State Govt. has been considering suitable amendment of Statement I of the West Bengal Recognised Non. Govt. Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981, so that approved employees of the DPSC'S/WBBPE are formally brought under the purview of the said scheme (vide item 13 of statement I of the said D.C.R.B. Scheme, 1981).

After careful consideration the Governor is pleased to substitute the said item 13 of statement I of said D.C.R.B. Scheme, 1981 as follows :

"13 Approved employees of Darjeeling District School Boards, District Primary School Councils, Siliguri Mahakuma Primary School Council and West Bengal Board of Primary Education."

This issues with the concurrence of the Finance Deptt. Pension Cell vide their U/O. No. Group 'J' (Pen) 490 dated 28.8.95.

Sd/- S. Som
Joint Secretary

GOVERNMENT OF WEST BENGAL
Education (School) Department
Primary Branch
Bikash Bhavan, Salt Lake, Calcutta.

No. 168-SE (P)

Calcutta, the 6th March, 1996

MEMORANDUM

The undersigned is directed to say that the Government in the School Education Deptt, constituted a Committee in terms of this Deptt.'s Notification No. 612-Edn. (P) dated 16.9.93 read with Notification No. 794-Edn (P), dated 3.11.93 to examine the existing staffing pattern, recruitment procedure/rules and promotional avenues of the employees of the District Primary School Council and the West Bengal Board of Primary Education. The Committee has since submitted its report.

2. Pending full examination of the said recommendations, the Governor is pleased to sanction creation of 170 posts of Lower Division Clerk in the scale of pay Rs. 1040-25-1215-1485-35-1590-40-1670-50-1920/- and 55 posts of Upper Division Clerk in the scale of pay of Rs. 1260-35-1540-45-1630-55-2070-65-2460-75-2610/- in the Primary School Councils of this State, District School Board of Hill Areas and West Bengal Board of Primary Education as per details given in the Annexure, on the condition that the old yardstick of one U.D. Clerk for every 9 L.D. Clerks is hereby abolished retaining the number of posts of such U.D. Clerks admissible on that yardstick before issuance of this order.

3. The undersigned is further directed to say that each Primary School Council/District School Board of Darjeeling shall have

- I. One Accountant (UDC), One Cashier (LDC), One Confidential Clerk (LDC) and at least Two Clerk-cum-Typists (LDC)

- II. A Law Cell with one UDC AND 2/3 LDCs.
- III. A General Administration Cell with one UDC & 2/3 LDCs.
- IV. Finance & Accounts Cell in direct supervision of the Finance Officer with adequate number of staff for all works relating to bills, pension and all receipts and payments.

4. The charge shall be met from the provisions under the heads :

i) "2202-01-800-State Plan (Annual Plan & Eighth Plan)- 06- Development of District Primary School Council" in respect of the additional posts sanctioned herein for the Primary School Councils/District School Board, Darjeeling Hill Areas ; and

ii) "2202-01-800-State Plan (Annual Plan & 8th Plan)- 03-Establishment of Board of Primary Education-31-Other grants", in respect of additional posts sanctioned for the West Bengal Board of Primary Education in the financial year, 1996-97.

5. This Order issues with the concurrence of the Finance Department vide their U.O. No. Group-'B' 437, dated 26.02.1996.

6. Accountant General West Bengal, Pay & Accounts Officer, Calcutta and the District Treasury Officers are being informed.

Sd/- S. Som
Joint Secretary

No. 168/1 (9)-SE (P)

Copy forwarded for information and necessary action to :-

- 1) *** *** ***
- 2) President, West Bengal Board of Primary Education.
- 3-9) *** *** ***

Sd/- S. Som

Calcutta, the 6th March, 1996

Joint Secretary

Annexure to Memo No. 168-SE (P) Dated 06. 03.96

A.	District Prymary School Councils	<u>Number of Posts Sanctioned</u>	
		<u>Lower Division</u>	<u>Upper Division</u>
1.	Bankura	11	3
2.	Birbhum	8	2
3.	Burdwan	8	5
4.	Calcutta	5	1
5.	Cooch Behar	6	1
6.	D.S.B. Darjeeling (Hill Areas)	3	1
7.	Dakshin Dinajpur	3	3
8.	Hooghly	13	3
9.	Howrah	12	3
10.	Jalpaiguri	6	2
11.	Malda	5	2
12.	Murshidabad	11	3
13.	Midnapore	21	6
14.	Nadia	6	2
15.	Purulia	8	2
16.	Siliguri Subdivisional Primary School Council	1	2
17.	Uttar Dinajpur	4	2
18.	North 24-Parganas	20	6
19.	South 24-Parganas	13	2
B.	W. B. Board of Primary Education	6	4
	Total	170	55

West Bengal Board of Primary Education

Memo No. 191(19)/BPE/96/Dated, Calcutta, the 15.3.96/
Copy forwarded for information and necessary action to :

1. The Chairman, Adhoc Committee, All District/
Sub-Divn. Primary School Council
2. The President, District School Board, Darjeeling.

Sd/-

Secretary

W.B. Board of Primary Education

GOVERNMENT OF WEST BENGAL

School Education Department

Primary Branch

Bikash Bhavan, Salt Lake, Calcutta-700 091

No. 204 (2)-SE (Pry.)
10M-116/94

Calcutta, the 22nd March, 1996

From : Shri P. N. Kundu,
O.S.D. & Ex-officio Deputy Secretary to the Govt. of
West Bengal.

- To : i) The Director of School Education, West Bengal.
ii) The President, West Bengal Board of Primary
Education, 84, Sarat Bose Rd., Calcutta-700026.

Sub. : Enhancement of maternity leave to female employees
of the District Primary School Councils and West
Bengal Board of Primary Education.

In partial modification of Rule 20 (1) of the Rules governing the leave of the staff of the District School Board now District Primary School Council which was issued under this Deptt.'s Notification No. 103-Edn (P) dated 11.3.1987, I am directed by order of the Governor to say that the Governor has been pleased to enhance the duration of maternity leave to 120 days in place of the existing limit of 90 days in favour of the female employees of, District Primary School Council, Sub-divisional Primary School Council for Siliguri Sub-division and West Bengal Board of Primary Education.

2. This order issues with the concurrence of the Finance Department vide their U.O. No. Group-P (Service) No. 1799 dated 12.10.95.

3. This order issues in partial modification of this Deptt's earlier order in Memo No. 1186 (2)-SE (P) dated 8. 12. 96.

Sd/-

O.S.D. & Ex-officio Deputy Secretary
to the Government of West Bengal.

GOVERNMENT OF WEST BENGAL
School Education Department
Primary Branch
Bikash Bhavan, Salt Lake, Calcutta-700 091

No. 257-SE (Pry.)

Calcutta, the 31st March, 1997

From : Shri Nikhilesh Das, IAS
Secretary to the Govt. of West Bengal.

To : The Director of School Education, West Bengal.

The undersigned is directed to say that our efforts to set up new primary schools were not successful in the past few years due to several litigations in Courts. The cases have since been settled with pronouncement of the judgement/order in the Division Bench case No. FMAT 2096 of 1996 with other FMATs on 24. 12. 96 and the Government is now in a position to set up new primary schools in the State, which was long overdue and which is now essential in order to allow enrolment of several thousands of eligible eager children of the age-group 5-9 years in primary schools, apart from increasing the capacity of the existing primary schools through augmentation of their teaching strength.

2. The undersigned is accordingly directed by order of the Governor to say that the Governor is pleased :

- (a) to allow the competent authorities to set up 1000 new primary schools in the districts including urban areas of Calcutta/Districts/DGHC as shown under column (a) of the Annexure. However, 88 schools earmarked for urban areas will be mainly utilised for setting up of schools for linguistic minorities and the districtwise break up of these 88 schools will be intimated latter. The detailed guidelines for selecting of sites etc. for setting up these 1000 primary schools are being issued shortly.

(b) to sanction creation of a total of 3000 posts of primary school teachers in the scale of pay of Rs. 1040-25-1215-30-1485-35-1590-40-1670-50-1920/- at the rate of 3 teachers for each school as shown under column (b) of the Annexure.

(c) to sanction creation of 750 additional posts of primary teachers in the aforesaid scale of pay for the primary schools located in 128 ITDP Blocks of this State with break-up as shown under column (c) of the Annexure.

(d) to sanction creation of further 1500 additional posts of primary teachers in the aforesaid scale of pay for the primary schools located in the remaining areas of the State, with break-up as shown under column (d) of the Annexure.

3. The District Primary School Council, Siliguri Mahakuma Primary School Council or the Darjeeling School Board under the guidance of Darjeeling Gorkha Hill Council, as the case may be, shall proceed to set up new primary schools accordingly.

4. Release of additional posts as in column (d) of Annexure is subject to the condition that the District Primary School Councils of Dakshin Dinajpur, Midnapur, Murshidabad and Nadia shall not fill up these additional posts till they fill up their existing vacancies and thereafter get clearance from the government in this regard.

5. The charge on this account will be met from the following heads of account in the current financial year's budget :

(a) 2202-General Education-01-Elementary Education-800-Other expenditure-State Plan (Annual Plan & 8th Plan)-01-free and compulsory primary education (U) - (a) establishment of primary schools-teacher & non-teacher cost 31-Grants-in-aid contributions towards salaries-09-Grants-in-aid/Contributions (SCP).

(b) 2282-01-796-Tribal Areas Sub-Plan-State Plan (AP & 8th Plan)-1-Free and Compulsory Primary Education (U) - (ii) establishment of Primary Schools-teacher and non-teacher cost (MNP)-31-Grants-in-aid/Contributions.

6. This order issues with the concurrence of the Finance Department vide their U.O. No. Group-B-265 dated 5.2.97.

7. Accountant General, West Bengal and All District Treasury Officers are being informed.

Sd/- Nikhilesh Das
Secretary

ANNEXURE
Number of Primary Schools to be set up and number of posts sanctioned.

District	Number of new primary schools to be set up	Number of posts of primary teachers created			Total
		for new schools	for existing schools in ITDP Blocks	for existing school in non-ITDP areas	
	(a)	(b)	(c)	(d)	(e)
1. Coochbehar	39	117	--	36	153
2. Jalpaiguri	45	135	64	39	238
3. Darjeeling (DGHC)	12	36	47	30	112
4. Siliguri (SMP) Areas	6	18	23	10	51
5. Dakshin Dinajpur	14	42	41	29	112
6. Malda	30	90	23	43	156
7. Murshidabad	75	225	23	73	321
8. Nadia	70	210	--	82	292
9. North 24-Parganas	92	276	23	156	455
10. South 24-Parganas	120	360	12	160	532

	(a)	(b)	(c)	(d)	(e)
11. Howrah	52	156	--	74	230
12. Hooghly	66	198	23	93	314
13. Midnapore	110	330	112	234	676
14. Bankura	28	84	89	68	241
15. Purulia	22	66	118	46	230
16. Burdwan	76	228	47	119	394
17. Birbhum	32	96	64	57	217
18. Uttar Dinajpur	23	69	41	31	141
*19. Urban areas of Calcutta/Dists./ DGHC	88	264	--	--	264
20. Calcutta & other areas to meet their special recruitment	--	--	--	120	120
	1000	3000	750	1500	5250

Sd/- Nikhilesh Das
Secretary

GOVERNMENT OF WEST BENGAL

School Education Department

Primary Branch

Bikash Bhavan, Salt Lake, Calcutta-700 091

No. 394-SE (Pry.)
10M-44/96

Dated, Calcutta, the 3rd June.'1997

From : Shri S. Som

Joint Secretary to the Govt. of West Bengal

To : The Director of School Education, West Bengal

Sub. : Guidelines for setting up of 1000 new schools in West Bengal.

Ref. : G. O. No. 257-SE (Pry) dated 31. 3. 97.

With reference to above the undersigned is directed to enclose the guidelines alongwith proformas, for setting up of new primary schools in the State in terms of para 2 (a) of this Deptt's Order No. 257-SE (Pry), dated 31. 3. 97 for necessary action.

2. The undersigned is also directed to say that the scale of pay for untrained Matriculate/Madhyamik passed or equivalent shall be Rs. 980-25-1230-30-1500-35-1675-40-1755/- and should be allowed in case untrained Matriculate/Madhyamik passed or equivalent candidates are appointed in terms of the sanction in sub-para (b), (c) & (d) of para 2 of G.O. No. 257-SE (Pry) dated 31. 3. 97. The relevant sub-paras shall be deemed to have been amended accordingly.

3. All concerned may kindly be informed.

Sd/- S. Som,
Secretary

No. 349/1(1)-SE (Pry)

Calcutta, the 3rd June, 1997

Copy of the enclosure forwarded for information and necessary action to the President, West Bengal Board of Primary Education.

Sd/- P. N. Kundu
O.S.D. & Ex-officio
Deputy Secretary

Enclosure to memo No. 394-SE (Pry), dt. 3. 6. 97

Guidelines for setting up of new primary school vide para 2(a) of G.O. No. 257-SE (Pry) dated 31. 3. 97.

For each District excepting Calcutta District, a Committee constituted with the following members will prepare the list of primary schools to be set up as per quota sanctioned for the District in accordance with the guidelines prescribed as follows :

(i) **Composition of the Committee**

- | | | |
|-----|--|------------|
| (a) | Chairman, Primary School Council | --Chairman |
| (b) | One nominee of the Sabhadhipati,
Zilla Parishad | --Member |
| (c) | Nominee of the District Magistrate
not below the rank of a Deputy
Magistrate | --Member |

- (d) District Welfare Officer for SC/ST -- Member
- (e) Karmadhyakshya, Siksha Sthayee
Samity of the Zilla Parishad -- Member
- (f) One non-official member of the
DPSC to be nominated by the
Chairman, DPSC -- Member
- (g) One representative of the Municipi-
palities/Municipal Corporation in
the District Planning Committee
to be nominated by the District
Planning Committee -- Member
- (h) District Inspector of Schools (PE)

-- Member-Secretary

In case of Siliguri Sub-Division :

Mahakuma Parishad, Sub-Divisional Primary School Council and Sub-Divisional Planning Committee shall replace Zilla Parishad, D.P.S.C. and District Planning Committee respectively in (b) / (e), (f) and (g) respectively.

For Calcutta District : in place of (b), (c), (d) and also (e), the following Members will be there :

- (b) One nominee of the Member, Mayor in Council (Education).
- (c) A Deputy Commissioner of CMC to be nominated by the Commissioner.
- (d) An Officer, not below the rank of Deputy Director, to be nominated by the Director, SC & TW Directorate.
- (e) Two representatives of the District Primary School Council, Calcutta.

(ii) The Committee shall determine the quota for each Panchayet Samity/Municipality/Municipal Corporation, as the case may be from time to time. Preference should be given to areas where the ratio between existing primary schools of the areas and the total population is lower than the district average, taking rural and urban areas separately.

In case of urban areas quota for setting up of new primary schools may be considered on the basis of number of eligible age specific children.

In case of tea garden areas of Darjeeling and Jalpaiguri Districts separate arrangements for opening primary schools for Hindi and Nepali speaking children may be made as per local requirement.

(iii) The quota for each area so determined by the Committee should be communicated to the respective Panchayet Samity/Municipality/Municipal Corporation with a request to select sites for each school and to submit to the Council the proposal (s) with relevant information as in the Annexures.

(iv) While selecting the site in an area for a new school the necessity for setting up a school in that area has to be considered on the basis of child-population in the age group of 5 -- 9 years, existing schools in that area, percentage of SC/ ST population, etc. No new primary schools should be set up in any mouza where existing primary schools have very low enrolment.

(v) The land and building shall have to be provided by the Panchayet Samity/Dist. Land & L. R. Office/Concerned Municipality or Municipal Corporation or by a benevolent donor of the locality. The land should be transferred or donated, as the case may be by a registered deed of conveyance in favour of D.P.S.C.

After consideration of proposals sent by Panchayet Samity/Municipal Corporation the Committee shall finalise the list and recommend it to the Council for approval. And thereafter the Council should send the proposal/proposals with their comments to the West Bengal Board of Primary Education for final approval.

**Proforma for Submission of Report for setting up
New Primary Schools in Rural Areas under a
Panchayet Samity**

Sl. No.	Quota of primary schools for Panchayet Samity	Name of the Gram Panchayet proposed for setting up new schools	Whether land & building have been provided	Description of the accommodation available for running the proposed school
(1)	(2)	(3)	(4)	(5)

Population of the Gram Panchayet where school is to be set up	Child population in the age of 5 to 9 years	No. of Pry. schools including primary sections of integrated Jr. High/High/HS schools in the G. P.	Name and roll strength of each such pry. school/section as included under Col. (8)	The distance of the nearest school from each of the proposed sites
(6)	(7)	(8)	(9)	(10)

Percentage of SC Population in the area	Percentage of ST Population in the area	Period within which necessary infrastructures for running the proposed school will be available where the same are not available at the time of submitting proposal	Remarks if any
(11)	(12)	(13)	(14)

**Proforma for Submission of Report for setting up
New Primary Schools in Urban Areas
under a Municipality**

Sl. No.	Quota of primary schools for the Municipality	Number of the Ward proposed for setting up new schools	Whether land & building have been provided	Description of the accommodation available for running the proposed school
(1)	(2)	(3)	(4)	(5)

Population of the Ward	Child population in the age of 5 to 9 years	No. of existing primary schools alongwith primary sections of integrated Jr. High/High/Higher Secondary schools in the Ward	Name and roll strength of each such Primary school/section as included under Col. (8)
(6)	(7)	(8)	(9)

Percentage of Population of each linguistic minority in the Ward	No. of existing schools for each linguistic minority	Period within which necessary infrastructures for running the proposed school will be available where the same are not available at the time of submitting proposal	Remarks, if any
(10)	(11)	(12)	(13)

GOVERNMENT OF WEST BENGAL

School Education Department

Primary Branch

Bikash Bhavan, Salt Lake, Calcutta-700 091

No. 451-SE (Pry.) Dated, Calcutta the 27th June.'1997
10M-36/96

From : Shri P. N. Kundu,
O. S. D. & Ex-Officio Deputy Secretary.

To : The Secretary,
West Bengal Board of Primary Education
84, Sarat Bose Road, Calcutta-26.

Sub. : Opening of Deposit Account in Calcutta Pay & A/cs. Office
for the operation of G.P.F. A/c. of the employ-ees of the West
Bengal Board of Primary Education.

Ref. : His. No. 262-BPE/96, dated 8. 4. 96.

With reference to above the undersigned is directed to say that, in view of the existence of the enabling provision in section 19 (1) (h) of West Bengal Primary Education Act, 1973 the Government do not have any objection to the operation of the G.P.F. of the employees of the West Bengal Board of Primary Education through a deposit account in Calcutta Pay & A/cs. Office. The policy and procedures for opening and operation of this account will be same as has been provided in the West Bengal Non-Govt. Educational Institution and Local Authorities (Control of Provident Fund) Act, 1983 and the Rules of 1984 made thereunder.

The undersigned is also directed to say that the modalities of operation of the amount may be prescribed separately following the pattern of the said Act and Rules in order to avoid any possible legal complication.

The undersigned is accordingly directed to advise the Board to adopt a resolution to the effect of operation of the scheme of G.P.F. for Board's own employees through a deposit Account in Calcutta Pay & A/cs. Office, and to forward a copy of the said resolution for issuance of a notification in terms of S. 19 (1) (h) read with S. 2(xx) ibid.

Sd/-
O.S.D. & Ex-Officio
Deputy Secretary

GOVERNMENT OF WEST BENGAL
School Education Department
Primary Branch
Bikash Bhavan, Salt Lake, Calcutta-700 091

No. 467-SE (Pry.)
10M-44/96

Dated, Calcutta the 3rd July. 1997

From : Shri S. Som
Joint Secretary to the Govt. of West Bengal

To : (1) The Chairman
Ad-hoc Committee
.....District Primary School Council

(2) The Principal Secretary, D.G.H.C.

With reference to this Department's order in No. 257-SE (Pry), dated 31.3.97, (copy enclosed for ready reference) the undersigned is directed to advise him to allocate the additional posts of primary school teachers sanctioned in the said Government Order to the single-teacher ordinary schools first as a matter of priority (at the rate of one more teacher to each single-teacher school) and after allotting such posts to all the existing single-teacher primary schools, remaining posts may be allotted to other existing primary schools.

Action taken in the matter may kindly be communicated to this Department by the end of August, 1997.

Sd/- S. Som

Joint Secretary

GOVERNMENT OF WEST BENGAL

LABOUR DEPARTMENT

No.187-Emp/2E-103/95

dated, 11.4.97.

From—The Assistant Secretary to the Government of West Bengal.

To — (1) The Director of Employment, West Bengal,
67, Bentinck Street, Calcutta-700 069.

Subject : Special procedure of Sponsoring and screening in respect of bulk recruitment of Primary Teachers in Primary Schools—Meeting held on 28.2.97 in the Chamber of M. I. C., Employment and E.S.I.

Sir,

In inviting reference on the above mentioned subject I am directed to inform you that following decisions were taken in the meeting :—

- i) Employment Exchange will follow the existing sponsoring ratio of 1:20 for the post of Primary School Teacher as per existing norms.
- ii) To avoid delay in submission at the time of bulk recruitment for the post of Primary School Teacher, there will be no initial screening at the Employment Exchange level and there will be no need of calling up of candidates for ascertaining their willingness seniority should be done as per hiring requirement of the appointing authority with due consideration to the Statutory provisions and existing executive orders in this regard.
- iii) The District Primary School Councils will do the initial scrutiny in respect of age, qualification etc. as per "the Rules Regulating Recruitment and Leave of Teachers in Primary School in West Bengal" of 1991. The District Primary School Councils will also check whether the Employment Registration Card is valid on the date of sponsorship by the Employment Exchange. Employment Exchange Officers shall render necessary assistance in this regard if required by the District Primary School Council.
- iv) After finalising the total number of registrants to be called for interview as per provision of clause (ii) of Sub-Rule (c) of Rule 9 of the "Rules Regulating the Recruitment and

Leave of Teachers in Primary Schools in West Bengal", of 1991 as laid down in the notification No. 768-EDN(P) dated 22.11.91, the names of registrants who would not be found suitable for final interview for the post of Primary School Teacher would be intimated to the respective Employment Exchanges without any loss of time by the District Primary School Councils so that they can be sponsored to other employers without waiting for the final result of the said interview.

v) The District Primary School Council will follow all reservations for S.C., S.T., O.B.C., P.H., Ex-Servicemen, Exempted Categories etc. as per provisions of all the statutory Acts and the existing Executive Orders.

vi) This Special procedure of Sponsoring and screening will be applicable only to bulk recruitment of Primary Teachers and not for any other recruitment under the Government or Board.

I am therefore directed to request you kindly to issue necessary instructions to Employment Exchanges in the State for guidelines and compliance.

Yours faithfully,
Sd/- Assistant Secy.

No. 187/1(2)-Emp. dt. 11.4.97

Copy forwarded for information and necessary action to :—

1. The Secretary, Education Deptt. (School Education)
2. The President, W. B. Board of Primary Education, 84, Sarat Bose Road, Calcutta-700 026.

Sd/- Assistant Secy.

Memo No. 363(36)/BPE/97/Dated, Calcutta, the 29.4.97/
Copy forwarded for information and necessary guidance to :—

1. The Chairman, Adhoc Committee..... Dist./Sub-Dn. Primary School Council.
2. The District Inspector of Schools (P.E)..... with request to contact the District Employment

Authority.

Sd/- Secretary,
W. B. Board of Primary Education.

Notes on Residual Cases of Organiser Teachers in Primary Schools Recognised prior to 11.9.1980 (i.e. the date relevant to the coming into force of new rule 3D).

It may be pointed out that the Hon'ble Division Bench of Calcutta High Court has given following directions on 24.12.96 in F.M.A.T. No. 2096 of 1996 upon the District Primary School Councils to consider the cases for approval of appointment of organiser teachers in respect of the Primary Schools, which had been recognised prior to the coming into force of new rule 3D, in terms of old Rule 3D and the circulars existing at the relevant point of time.

Directions dtd. 24.12.96 of the Hon'ble Division Bench :

The said directions as given in the judgement/order dtd. 24.12.96 in the Appeal matter being F.M.A.T. No. 2096 of 1996 by the Hon'ble Division Bench are reproduced as follows :—

1. ".....in cases where schools had been recognised prior to coming into force of New Rule 3D, the organiser teachers had derived a right to be considered for appointment, and thus they, having acquired such right were entitled to be considered in terms of the circular letters existing at the relevant time and as such writ petitioners, thus had been deprived of their right for a long time, the respective District Primary School Councils are hereby directed to consider those cases and consider their cases for appointment in terms of old Rule 3D and the circulars existing at the relevant point of time and if they were suitably qualified therefor. If in any such case, interview has already been held, appointment may be made on the basis of such interview."

2. "In case there are any cases where Primary Schools were granted recognition but, the organiser teachers were not given appointment or absorbed but subsequently such recognition of schools were withdrawn, in those cases also the writ petitions would stand allowed subject to the observations made hereinbefore in as much as even in those cases on the date of recognition, the concerned candidates had a

right to be considered for appointment and once they were entitled to appointment in terms of old Rule 3D, the right vested in them could not have been taken away by de-recognition of the said school subsequently."

In the context of the aforesaid two directions of the Hon'ble Division Bench of Calcutta High Court the residual cases may be disposed of in the light of the provisions of old Rule 3D, which has been substituted by another rule 3D issued under notification No. 713-Edn (P) dated 11th September, 1980.

Old Rule 3D :—

The Old Rule 3D was inserted for the first time by the State Government in its Notification No. 975-Edn (P) dtd. 26.10.1971. The old Rule 3D as it originally stood was as follows :—

"(Old) 3D. Notwithstanding anything contained in rule 3, rule 3A or rule 3B, but subject to the provision of rule 3C, a qualified person serving as organiser-teacher in a primary school, ever since that school was established may be appointed with the prior approval of the Director of Public Instruction, West Bengal, as an Assistant teacher of the school at the time it is granted recognition."

N.B. :—The text of the Rule 3, Rule 3A, 3B and 3C of the repealed Act of 1930 is as follows :—

3. (1) "A Board shall appoint teachers, whether temporarily or substantively only from the panel of qualified teachers for the district forwarded by the Director of Public Instruction, West Bengal, and in accordance with directions, if any, given by him."

(2) "In issuing letters of appointment, a Board shall ensure, as far as possible, that a person is appointed as a teacher in the school which is nearest to his residence, This, however, shall not be construed to mean that he cannot be appointed elsewhere or transferred subsequently to any other school, if the Board so considers necessary."

3A. "No name shall be forwarded by the Director of Public Instruction, West Bengal, for appointment under a Board unless it has been included in the panel of qualified

teachers prepared for one district after adequate publicity and in the manner provided in Rule 3D."

3B. "(1) The Director of Public Instruction, West Bengal, may with the approval of the State Government, set up a Selection Committee in each district to assist him in selecting suitable persons from amongst the candidates for inclusion in the panel of qualified teachers for the District."

"(2) The Selection committee may hold such tests including interview, as they may deem proper and necessary, for the candidates ; but it is open to the Selection Committee to call only those amongst the candidates, they may consider suitable. The interview and other tests shall be held at a convenient place or places in the district or, with prior approval of the State Government, outside the district."

"(3) The Selection Committee shall send a list of names of qualified persons recommended by them to the Director of Public Instruction, West Bengal, who may modify or alter the list. After such modification or alteration, if any, the Director of Public instruction shall finally prepare a panel of qualified teachers for the district."

"(4) The panel may show separately the names of qualified (1) Women teachers, (2) Scheduled Tribe teachers, (3) Scheduled Caste teachers and (4) Other teachers."

"(5) The Director of Public Instruction, West Bengal, may remove at any time the name of any person from the panel for failure of the person to accept or join, in time, an appointment offered to him by the Board or for other good and adequate reasons."

"(6) While preparing panels for appointment to the posts of primary teachers, preference shall be given to trained candidates in such manner that all additional posts sanctioned by Government from time to time due to enhancement in roll strength in existing schools and at least 50% of the normal vacancies in such school are filled-up by trained candidates only if sufficient number of trained candidates are available."

3C. "(1) In preparing a panel of teachers and in the matter of appointment of teachers in schools under a Board, the Director of Public Instruction, West Bengal, shall en-

sure, as far as practicable, that persons belonging to Scheduled Caste and Scheduled Tribes are empanelled and given appointments on the basis of the ratio of their respective population to the total population in the district and that women are empanelled and appointed in adequate numbers."

"(2) A Board shall ensure, as far as possible, that in schools in the areas wholly or mainly inhabited by the persons belonging to Scheduled Tribes or Scheduled Castes, appointments are given to qualified persons belonging to the Scheduled Tribes or Scheduled Castes, as the case may be."

The Circular Existing at the Relevant Point of Time in the Matter :

(Govt. order No. 1032-Edn-(P) dtd. 8.9.76)

In this connection the Govt. order No. 1032-Edn. (P) dated 8.9.76 laying down the principles for appointment of organiser teachers in a primary school may be referred to. For the sake of convenience, the relevant sentences of the said Memo dated 8.9.76 are reproduced below :

".....in terms of rule 3D of the rules framed under Notification No. 975-Edn (P) dtd. 26.10.71, a qualified person serving as an organiser teacher in a primary school ever since that school was established, may be appointed, with the prior approval of the Director of Public Instruction, West Bengal, as an assistant teacher of the school at the time it is granted recognition. These teachers are, therefore, not appointed from the panel. Normally, three organiser teachers are appointed at the time when a new school is granted recognition in the rural areas."

Govt. Guide-lines for compliance of Directions of the Hon'ble Division Bench.

(Govt. order No. 539-SE (Pry.) dtd. 4.8.97)

Further attention may be invited to the Govt. order No. 539-SE. (Pry.) dtd. 4.8.97 wherein the State Govt. has provided necessary guide-lines in the matter of compliance with the directions as given in the judgement/order dated 24.12.96 in Appeal Matter being F.M.A.T. No. 2096 of 1996

by the Hon'ble Division Bench of Calcutta High Court comprising the Hon'ble Mr. Justice Satya Brata Sinha and the Hon'ble Mr. Justice Satya Narayan Chakraborty. The copy of the said Govt. Order is given below to deal with the relevant matters/cases according to the said prescribed guide-lines.

GOVERNMENT OF WEST BENGAL

SCHOOL EDUCATION DEPARTMENT

Primary Section

Bikash Bhawan, Salt Lake, Calcutta-700 091

No. 539-SE(Pry.) Calcutta, the 4th August, 1997.

From—Shri S. Som,

Jt. Secretary to the Government of West Bengal.

To — The Director of School Education (P)

Subject : Judgement/Order dt.24.12.96 in FMAT No 2096 of 1996 in the matter of West Bengal Board of Primary Education

—Vs—

West Bengal Primary Organiser Teachers' Association & Others

The undersigned is directed to enclose the guide-lines in the matter of compliance with the directions given in the judgement/order dated 24.12.96 in FMAT No, 2096 of 1996 by Hon'ble Mr. Justice Satyabrata Sinha and Hon'ble Mr. Justice S. N. Chakraborty with request to circulate the same among the Primary School Councils and others concerned, so that there may be uniformity in the matter of compliance with the said directions.

These guidelines are based on the reporting of the said judgement/order as published on 20.2.97, in the Calcutta Law Journal 1997, Vol. I, Part-IV pages 165—236.

Sd/- S. Som,
Joint Secretary,

No. 2604(50)-Sc/P
22-542-94

Dated, the 24th September, 1997.
30-9-97

Copy of the Memo. No. 539-SE (Pry) dt. 4.8.97 received from Edn. Department, Govt. of West Bengal is forwarded for his information & necessary action/guidance.

1. President, West Bengal Board of Primary Education
84, Sarat Bose Road, calcutta-26.
2. Chairman, Ad-hoc Committee, Dist. Pry. School
Council.....P.O.....Dist.....
3. Chairman, Sub-Divn. Pry. School Council, Siliguri,
Darjeeling.
4. Dist. Inspector of Schools (P. E.), (S. E.).....
P. O.....Dist.....
5. Jt. Director/Dy. Director/Asstt. Director of School,
Education West Bengal.....Section,
Bikash Bhawan.
6. Asstt. Law Officer (P. E.)/(S. E.), Law Cell, Bikash
Bhawan.

Sd/-
for Director of School Education
West Bengal.

Enclosure to Memo. No. 539-SE (Pry) Dt. 4.8.97

Guidelines in the matter of compliance with the directions given in the judgement/order of Hon'ble Mr. Justice S. B. Sinha and Hon'ble S. N. Chakraborty passed on 24.12.96 in FMAT No. 2096 of 1996

1. In cases where schools had been recognised prior to the coming into force of new rule 3D that is before the date of the relevant notification No. 731-Edn (P) dt. 11.9.80, the organiser teachers who had been working in those schools and were eligible for appointment as per provisions of old Rule 3D (vide Notification No. 975-Edn. (P) dt. 26.10.71), may submit applications to the respective Primary School Councils, who are to consider their cases for appointment in terms of old Rule 3D and the circulars existing at the relevant point of time and if they were suitably qualified therefor.

The onus of proving with supporting documents the claim that the applicant had been serving in the organised school, ever since the school was established, which was granted recognition before the new rule 3D came into force, shall lie with the applicant himself. At the same time, the applicant must satisfy the Primary School Council concerned that he was entitled to be appointed as a Primary School Teacher in terms of Rule and circulars existing at the relevant point of time and also that they were suitably qualified therefor.

In this connection, the G. O. No. 721-Edn(P) dt. 6.7.1971 laying down the minimum educational qualifications and also the standard teacher-pupil ratio (1:40) in the particular school may be referred to. For the sake of convenience, the relevant sentences are reproduced below :—

"In supersession of all previous orders on the subject mentioned above (that is, appointment of organiser-teacher in Primary Schools), the undersigned is directed by order of the Governor to state that the Governor is pleased to order that the Higher Secondary Examination or School Final Examination passed organiser teacher working in a Primary School prior to the recognition may be appointed as teacher in the school provided appointment of such teacher is admissible on the basis of the standard teacher-pupil ratio (1:40) in the particular school. Appointment of organiser-teachers will be made with the approval of the Director of Public Instruction, West Bengal. Such teachers will draw pay as 'B' category teachers.

This order is applicable to Primary Schools situated in both rural and urban areas".

2. In cases where primary schools were granted recognition, but the organiser teachers were not given appointment or absorbed, and subsequently such recognition of schools were withdrawn in those cases such teachers may submit applications to the respective District Primary School Councils claiming relief under the relevant direction of the Hon'ble Division Bench, with supporting documents that they had been working in such schools, since their inception, which were granted recognition and such recognition

was withdrawn subsequently. Such petitioner shall also prove that he was eligible to be appointed as a primary teacher in terms of the circulars existing at the relevant point of time.

GOVERNMENT OF WEST BENGAL
EDUCATION DEPARTMENT
Primary Branch

No. 457-Edn.(P)
4A-50/83

Dated., Calcutta, the 12.10.87.

From—Sri A. C. Chakraborty,

Dy. Secy. to the Govt. of West Bengal.

To — The Director of School Education, West Bengal.

(Primary Unit), New Secretariat Buildings, Calcutta

Subject : Appointment of wards of teachers and non-teaching employees of recognised non-Government Primary/Junior High/Higher secondary Schools, etc. on compassionate ground.

It has been stipulated in the Government Order No. 1008-Edn.(P). dated the 14.9.77 read with the Government Order No. 101-Edn.(P). dated 28.2.80 that if a primary school teacher dies in harness, a ward of the teacher concerned may be given appointment as a primary school teacher on compassionate ground provided the ward possesses the requisite qualification for such appointment. But the ambit of the aforesaid Government Orders is so restricted that the ward of a Primary School teacher who dies in harness cannot be appointed a teacher or a non-teaching employee on compassionate ground in a Junior High/Secondary/Higher Secondary School even if he/she possesses the requisite qualification for such appointment. Moreover there is no Government Order as such for providing employment to the ward of a Junior High/Secondary/Higher Secondary School teacher or of a non-teaching employee attached to a Junior/Secondary/Higher Secondary School who dies in harness, although there is scope for providing such appointment in terms of the Memo. No. 1464 (16)-G.A. dated 28.8.81 issued by the Director of School Education, West Bengal. But in no case the ward of a Junior High/Secondary/Higher Secondary school teacher or of a

non-teaching employee attached to any of such institutions can be appointed a primary school teacher even if he/she possesses the requisite qualification for such appointment. Therefore, the question of expansion of the scope of employment on compassionate ground of the wards of the teachers/non-teaching employees working in recognised non-Government Primary/Junior High/Secondary/Higher Secondary Schools and other educational institutions under the Directorate of School Education has been engaging the attention of the State Government in the Education Department for some time past.

2. The undersigned is now directed, by order of the Governor, to say that the Governor has been pleased to order, in supersession of all previous orders in this regard that the appointment on compassionate ground of the wards of teachers and of non-teaching employees of all recognised non-Government Educational Institutions under the Directorate of School Education who died in harness be brought under a single umbrella and be given employment from the date of issue of this order in the manner prescribed below :-

(i) If a primary school teacher dies in harness, the ward of the teacher concerned should be considered for employment in the first instance in any primary school in the district in which the deceased teacher last served. Similarly if a teacher or a non-teaching employee of a Junior High/Secondary/Higher Secondary School or other educational institution under the Directorate of School Education dies in harness, the ward of the teacher or of the non-teaching employee concerned should be considered for employment in the first instance in any Junior High/Secondary/Higher Secondary School etc., in the District in which the deceased teacher or the deceased non-teaching employee last served.

ii) If the ward of a Primary School teacher who dies in harness does not possess the requisite qualification for appointment as a Primary School teacher or if the ward of a Primary School teacher who dies in harness possesses the requisite qualification for

appointment as a teacher in a Junior High/Secondary/Higher secondary School etc. and opts for being appointed as such, the name of the ward in either case should be forwarded by the concerned District Inspector of Schools (P.E.), District School Board, as the case may be, to the District Inspector of School (Secondary Education) concerned for providing him/her with employment on compassionate ground commensurate with his/her qualification and in that case the name should be placed just below the last name in the roster maintained for such cases by the District Inspector of Schools (S.E.) Similarly, if the ward of a Junior High/Secondary/Higher Secondary School teacher or of a teacher of such other educational Institution under the School Education Directorate or a non-teaching employee attached to a Junior High/Secondary/Higher Secondary School or other educational Institution under the Directorate of School Education who dies in harness does not possess the requisite qualification for appointment as a teacher in any of the said Institutions but possesses qualification for appointment as a Primary School teacher and opts for being appointed as such, the name of the ward should be forwarded by the District Inspector of Schools (S.E.) concerned to the concerned District Inspector of Schools (P.E.) / District School Board, as the case may be, for providing him/her with employment on compassionate ground and in that case the name should be placed just below the last name in the roster maintained for such cases by the District Inspector of Schools (P.E.) / District School Board concerned.

3. Each District Inspector of Schools (Primary Education) / District School Board shall maintain a roster showing the names of Primary School teachers who die in harness and each Dist. Inspector of Schools (S. E.) shall maintain a similar roster showing the names of wards of the Junior High/Secondary/Higher secondary School teachers and of the non-teaching employees attached to the Junior High/Secondary/Higher Secondary Schools etc., who die in harness.

4. The claim for employment on compassionate ground of the wards of Primary/Secondary/Junior High/ Higher Secondary School teachers and that of the wards of the non-teaching employees attached to such educational institutions as aforesaid shall be restricted to 10% of the total vacancies occurring in a particular year in a district as of the exempted category.

5. The term "Ward" shall mean a son/a dependent daughter/the widow/the husband of the deceased teacher or of the deceased non-teaching employee. The ward shall apply for appointment on compassionate ground to the authority concerned immediately after the death of the teacher or of the non-teaching employee concerned.

6. The appointing authority after satisfying itself that the ward fulfils all the prescribed conditions and also that the family is in distress and in immediate need of assistance may issue necessary appointment order only with the prior approval of the Director of School Education, West Bengal.

7. In all cases where it is proposed to relax the conditions mentioned in paras five and six above the appointing authority shall refer the matter to the Government in the Education Department through the Director of School Education, West Bengal and the final decision in the matter will rest with the Government.

8. All concerned may be informed accordingly.

Sd/-A. K. CHAKRABORTY,
Deputy Secretary.

Calcutta, 29.10.1987.

Copy forwarded to the President, Ad-hoc Committee, District School Board.....District Inspector of Schools (P.E.)/(S.E.),.....Chairman.....Municipality, P.O.....Dist.....for information and necessary action. He is requested to submit the proposal in prescribed proforma stating the relevant information as laid down in the concerned Govt. Orders for approval of appointment of the ward of the teacher/non-teaching employee who died in harness.

Sd/-
for Director of School Education,
West Bengal.

ADDENDUM

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ADDENDUM